

Alabama

- **RESIDENCY:** When the defendant is a nonresident, the other party to the marriage must have been a bona fide resident of AL for six months immediately prior to the filing of the complaint. Case law says that the term “residence” means “legal residence” or “domicile” for the purpose of divorce proceedings.
- **FILING:** Either party may file. The complaint must be filed in either: 1) the county in which the defendant resides; 2) the county in which the parties resided when the separation occurred; or 3) if the defendant is not a resident of Alabama, in the county in which the plaintiff resides.
- **GROUND:** No Fault Based Grounds: 1) Irretrievable breakdown of the marriage; 2) Incompatibility. Fault Based Grounds: 1) One party was, at the time of the marriage, physically and incurably incapacitated from entering into the marriage state; 2) Adultery; 3) Imprisonment; 4) Habitual drunkenness or to habitual use of opium, morphine, cocaine, or other like drug; 5) Incurable insanity (for a period of 5 successive years; 6) The wife was pregnant at the time of the marriage, without the husband’s knowledge or agency; 7) Domestic violence or abuse; 8) If the wife has lived separate and apart from the husband and without the support of him for two years prior to filing, and she has bona fide resided in the state during the said period; 9) Voluntary Abandonment.
- **SEPARATION AGREEMENTS:** The court shall order that the terms of the legal separation relating to alimony or a property settlement be incorporated into a final divorce decree only if agreed to by the parties. Otherwise, the court may consider, but is not bound by, the provisions of the legal separation upon a final dissolution of the marriage.
- **PROPERTY DIVISION:** equitable distribution.
- **TIME:** The court will not enter a final judgment of divorce until at least 30 days has passed from the date of the filing of the summons and complaint.
- **TIME LIMIT ON REMARRIAGE:** The court will not allow either party to remarry, except to each other, until 60 days after the divorce is granted.
- **SPOUSAL SUPPORT:** The judge may order spousal allowance if either spouse has no separate estate or if it is insufficient for maintenance. The judge may not take into account any property acquired prior to the marriage or inheritances or gifts unless the property has been used regularly for the common benefit of the parties during their marriage. The present value of any future or current retirement benefits can only be considered if the parties have been married for a period of 10 years during which the retirement was being accumulated. The misconduct of either spouse may be considered in determining this amount.
- **CUSTODY:** The court may order joint or sole legal custody, in addition to joint or sole physical custody. The best interests of the child will be taken into consideration. If both parents request joint custody, there is a presumption that joint custody is in the best interest of the child. Factors considered are: 1) The agreement/lack of agreement by the parents on joint custody; 2) The past and present ability of the parents to cooperate with each other and make decisions jointly; 3) The ability of the parents to encourage the sharing of love, affection, and contact between the child and the other parent; 4) Any history of or potential for child abuse, spouse abuse, or kidnapping; 5) The geographic proximity of the parents to each other as this relates to the practical considerations of joint physical custody.
- **CHILD SUPPORT:** <http://www.alacourt.gov/childsupportobligations.aspx>

Alaska: <http://www.courts.alaska.gov/selfhelp.htm>

- **RESIDENCY:** Must be a resident of the state at the time of filing. Residence means the place where the plaintiff resides, but also has the same meaning as domicile. Case law shows that actual presence in the state is not required to establish residency.
- **FILING:** Only the Alaska resident is allowed to file.
- **GROUND:** No Fault Based Grounds: 1) Incompatibility. Fault Based Grounds: 1) Failure to consummate the marriage at the time of the marriage and continuing at the time of the filing; 2) adultery; 3) conviction of a felony; 4) willful desertion for a period of one year; 5) habitual drunkenness; 6) incurable insanity; 7) addiction to drugs; 8) cruel and inhuman treatment.
- **MILITARY SPECIFIC:** A person serving in a military branch of the United States government who has been continuously stationed at a military base or installation in the state for at least 30 days is considered a resident of the state for the purposes of divorce.
- **SEPARATION AGREEMENTS:** Other than agreements for child custody and child support, if a decree must state whether it is an interim agreement or a final order. To the extent that it is not a final order, the court shall determine the parties' respective rights and responsibilities for any property or debts.
- **PROPERTY DIVISION:** Equitable distribution, dividing all marital property acquired during the marriage (including retirement benefits, but excluding inheritance). An equal division of marital property is presumptively equitable. The court will take into account the following factors: 1) the length of the marriage and station in life of the parties during the marriage; 2) the age and health of the parties; 3) the earning capacity of the parties; 4) the financial condition of the parties; 5) the conduct of the parties, including whether there has been unreasonable depletion of marital assets; 6) the desirability of awarding the family home to the party who has primary physical custody of children; 7) the circumstances and necessities of each party; 8) the time and manner of acquisition of the property in question; and 9) the income-producing capacity of the property and the value of the property at the time of division.
- **TIME:** A final divorce decree cannot be signed until at least 30 days have passed since filing the divorce papers.
- **SPOUSAL SUPPORT:** The court may order maintenance for a limited or indefinite period of time, in gross or in installments. The court will consider the following factors: 1) the length of the marriage and station in life of the parties during the marriage; 2) the age and health of the parties; 3) the earning capacity of the parties; 4) the financial condition of the parties; 4) the conduct of the parties, including whether there has been unreasonable depletion of marital assets; 5) the division of property; and 6) other factors the court determines to be relevant.
- **CUSTODY:** The court determines custody in accordance with the best interests of the child. It will consider: 1) the physical, emotional, mental, religious, and social needs of the child; 2) the capability and desire of each parent to meet these needs; 3) the child's preference; 4) the love and affection existing between the child and each parent; 5) the length of time the child has lived in a stable, satisfactory environment and the desirability of maintaining continuity; 6) the willingness and ability of each parent to facilitate and encourage a close and continuing relationship between the other parent and the child; (7) any evidence of domestic violence, child abuse, or child neglect; (8) evidence that substance abuse that directly affects the emotional or physical well-being of the child; (9) other factors that the court considers pertinent.
- **CHILD SUPPORT:** Alaska uses the Percentage of Income formula to determine child support. The state's child support calculator can be found at: <http://www.courts.alaska.gov/forms/dr-310.pdf>

Arizona:

<http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter/Forms/FamilyCourt/>

- **RESIDENCY:** One of the parties must have been domiciled in the state, or stationed there in the military, for at least 90 days prior to the filing.
- **FILING:** Either party can file.
- **GROUND:** No Fault Grounds: 1) Irretrievable breakdown of marriage. Grounds for Dissolution of a Covenant Marriage: 1) Adultery; 2) Felony conviction with prison sentence; 3) Abandonment of the matrimonial domicile for at least one year; 4) Physical or sexual abuse; 5) Habitual abuse of drugs or alcohol; 6) Husband and wife both agree to dissolution of the marriage; 7) The spouses have been living separate and apart for at least two years before the filing; 8) The spouses have been living separate and apart for at least one year since the date a decree of legal separation was entered.
- **SEPARATION AGREEMENTS:** In a proceeding for dissolution of marriage or for legal separation, the terms of the separation agreement, except those providing for the support, custody and parenting time of children, are binding on the court unless it finds that the separation agreement is unfair.
- **PROPERTY DIVISION:** Community Property state. All property that was acquired during the marriage will be split 50-50 by the court if the parties are unable to come to an agreement. The community, joint tenancy and other property held in common will be divided equitably, though not necessarily in kind, without regard to marital misconduct. Each spouse's sole and separate property will be assigned to such spouse.
- **TIME:** There is a 60 day waiting period before the court will consider the application, or before it will hold a trial or hearing on an application for dissolution of the marriage. If the divorce is contested, the court may hold a hearing no later than 60 days after the initial hearing.
- **SPOUSAL SUPPORT:** An order for spousal maintenance may be granted for any of the following reasons if it finds that the spouse seeking maintenance: 1) Lacks sufficient property, including property apportioned to the spouse, to provide for that spouse's reasonable needs; 2) Is unable to be self-sufficient through appropriate employment or is the custodian of a child whose age or condition is such that the custodian should not be required to seek employment outside the home or lacks earning ability in the labor market adequate to be self-sufficient; 3) Contributed to the educational opportunities of the other spouse; 4) Had a marriage of long duration and is of an age that may preclude the possibility of gaining employment adequate to be self-sufficient.
- **CUSTODY:** The court may order sole or joint custody, with no presumption for either and no preference for a parent as custodian because of their sex. The court will determine custody in accordance with the best interest of the child, taking into consideration the following: 1) The wishes of the child's parent or parents as to custody; 2) The wishes of the child; 3) The interaction and interrelationship of the child with the child's parents and siblings; 4) The child's adjustment to home, school and community; 5) The mental and physical health of all individuals involved; 6) Which parent is more likely to allow the child frequent and meaningful continuing contact with the other parent; 7) Whether one parent, both parents or neither parent has provided primary care of the child; 8) The nature and extent of coercion or duress used by a parent in obtaining an agreement regarding custody; 9) Whether a parent has complied with the required divorce educational program; 10) Whether either parent was convicted of an act of false reporting of child abuse or neglect.
- **CHILD SUPPORT:** <http://www.azcourts.gov/familylaw/childsupportcalculator.aspx>

Arkansas

- **RESIDENCY:** At least one spouse must be a resident of Arkansas at least 60 days prior to the filing.
- **FILING:** Either party may file.
- **TYPES:** In Arkansas, there is regular marriage, and there is “covenant marriage.” Covenant marriage has stricter requirements for being granted a divorce; the grounds must be fault based, as provided below.
- **GROUND:** No Fault Grounds: 1) When the husband and wife have lived separate and apart for 18 continuous months. Fault Based Grounds: 1) Impotence; 2) Felony conviction; 3) Habitual drunkenness; 4) Cruel treatment endangering the life of the other; 5) Adultery; 6) When either party shall offer such indignities to the person of the other as shall render his or her condition intolerable; 7) Incurable insanity.
- **SEPARATION AGREEMENTS:** Case law suggests that separation agreements may or may not be incorporated into the divorce decree. Courts of equity have the power to enforce such written agreements by sequestration of property, garnishment, or contempt proceedings.
- **PROPERTY DIVISION:** All marital property is distributed 50% to each party unless the court finds this inequitable. Other property will be returned to the party who owned it prior to the marriage. The court will consider the following: 1) The length of the marriage; 2) Age, health, and station in life of the parties; 3) Occupation of the parties; 4) Amount and sources of income; 5) Vocational skills; 6) Employability; 7) Estate, liabilities, and needs of each party and opportunity of each for further acquisition of capital assets and income; 8) Contribution of each party in acquisition, preservation, or appreciation of marital property, including services as a homemaker; and 9) The federal income tax consequences of the court's division of property.
- **TIME:** No decree of divorce shall be awarded before the 30th day following the day upon which the action for divorce was commenced, unless the parties have lived separate and apart from each other for at least 12 months immediately prior to the filing of the complaint.
- **SPOUSAL SUPPORT:** When a decree is entered, the court shall make orders concerning the alimony of the wife or the husband and the care of the children, if there are any, as are reasonable from the circumstances of the parties and the nature of the case. Unless otherwise ordered by the court or agreed to by the parties, the liability for alimony shall automatically cease upon the earlier of: 1) The date of the remarriage of the person who was awarded the alimony; 2) The establishment of a relationship that produces a child or children and results in a court order directing another person to pay support to the recipient of alimony; 3) The establishment of a relationship that produces a child or children and results in a court order directing the recipient of alimony to provide support of another person who is not a descendant by birth or adoption of the payer of the alimony.
- **CUSTODY:** The custody decision will be made without regard to the sex of a parent but solely in accordance with the best interest of the child. In determining the best interest of the child, the court may consider the preferences of the child if the child is of a sufficient age and capacity to reason, regardless of chronological age. The court will also consider whether there has been past domestic violence.
- **CHILD SUPPORT:** Arkansas child support guidelines uses the Percentage of Income formula which calculates the support obligation as a percentage of the income of the non-custodial parent who is obligated to support the child. This method simply applies a percentage to the income of the parent according to the number of children requiring support. The Arkansas Child Support Charts can be found at: <http://www.dfa.arkansas.gov/offices/childSupport/resources/Pages/childSupportCharts.aspx>

California: <http://www.courtinfo.ca.gov/selfhelp/family/divorce/>

- **RESIDENCY:** One party must have lived in California for the 6 months preceding filing AND the county where you plan to file the divorce for the 3 months preceding filing. {no statutory or case law exception for military}
- **TYPES:** “Summary Dissolution” is appropriate if the parties agree on all terms of the divorce, have no children, and were married for less than 5 years. An “Uncontested Case” is appropriate if the parties agree on all terms but do not qualify for the Summary Dissolution. Most Uncontested Cases can be handled by mail and brief contacts with a judge. If the parties cannot agree, a “Contested Case” is appropriate.
- **FILING:** Either party may file
- **GROUND:** 1) Irreconcilable differences (no fault ground), which have caused the irremediable breakdown of the marriage; and 2) Incurable insanity.
- **SEPARATION AGREEMENTS:** Valid & can be merged with the divorce decree.
- **PROPERTY DIVISION:** “Community Property” state. Community property is defined as all property and debt that was acquired from the date of marriage until the marital cut-off date. Usually property division is done by agreement, but if agreement cannot be reached, the judge will divide marital property equally.
- **TIME:** A court cannot, except for limited exceptions, grant a divorce until 6 months have passed from the date of service of the opposing party.
- **ALIMONY:** The court shall consider whether the earning capacity of each party is sufficient to maintain the standard of living established during the marriage, taking into account all of the following: (a) earning capacity; (b) the extent to which the supported party helped support the other party in gaining an education or maintaining a career; (c) The supporting party’s assets and ability to pay support; (d) the standard of living during the marriage; (e) The assets and separate property, of each party; (f) The length of the marriage; (g) The ability to gain employment without unduly interfering with the interests of dependent children in the custody of the party; (h) The age and health condition of the parties; (i) history of domestic violence between the parties; (j) any tax consequences to each party; (k) The balance of the hardships to each party; (l) The goal that the supported party shall be self-supporting within a reasonable period of time.
- **CUSTODY:** The court shall consider: (1) The health, safety, and welfare of the child; (2) Any history of abuse by one parent or any other person seeking custody; (3) The nature and amount of contact with both parents; and (4) The habitual or continual illegal use of controlled substances or habitual or continual abuse of alcohol by either parent.
- **CHILD SUPPORT:** see following website for calculator
<http://www.childsup.ca.gov/Resources/CalculateChildSupport/tabid/114/Default.aspx>

Colorado

- **RESIDENCY:** One of the parties must have been domiciled in the state for at least 90 days prior to filing for divorce. According to case law, under statutes pertaining to jurisdiction in divorce proceedings, the word "residence" is synonymous with the legal meaning of the word "domicile", and a person's domicile, once established, continues until he acquires legal residence or domicile elsewhere.
- **FILING:** Either party may file.
- **GROUND:** Irretrievable breakdown.
- **MILITARY SPECIFIC:** Case law holds that mere presence in state as member of armed forces is insufficient to confer jurisdiction but after 90 days domicile may be established. A serviceman may establish a Colorado domicile to support jurisdiction for a Colorado court to grant a decree of dissolution of marriage after he has been stationed in Colorado for 90 days.
- **SEPARATION AGREEMENTS:** The terms of the separation agreement are binding on the court, except for those provisions relating to child custody and support, unless the court finds that the separation agreement is unconscionable.
- **PROPERTY DIVISION:** Equitable distribution state. If the parties cannot enter an agreement regarding the distribution of the marital property, the court shall set apart to each spouse his or her property and shall divide the marital property, without regard to marital misconduct, in such proportions as the court deems just after considering all relevant factors including: (a) The contribution of each spouse to the acquisition of the marital property, including the contribution of a spouse as homemaker; (b) The value of the property set apart to each spouse; (c) The economic circumstances of each spouse at the time the division of property is to become effective; and (d) Any increases or decreases in the value of the separate property of the spouse during the marriage or the depletion of the separate property for marital purposes.
- **TIME:** Colorado has a 90-day waiting period before the divorce may be finalized, starting when one party is served or the joint petition has been signed by both parties.
- **SPOUSAL SUPPORT:** If the parties' combined annual gross income is \$75k or less, maintenance shall be equal to 40% of the higher income party's monthly adjusted gross income less 50% of the lower income party's monthly adjusted gross income. If the combined annual gross income is more than \$75k, the maintenance order by the court shall be in such amounts and for such periods of time as the court deems just, without regard to marital misconduct, and after considering all relevant factors including: (a) The financial resources of the party seeking maintenance; (b) The time necessary to acquire sufficient education or training to enable the party seeking maintenance to find appropriate employment and that party's future earning capacity; (c) The standard of living established during the marriage; (d) The duration of the marriage; (e) The age and the physical and emotional condition of the spouse seeking maintenance; and (f) The ability of the spouse from whom maintenance is sought to meet his or her needs while meeting those of the spouse seeking maintenance.
- **CUSTODY:** The court may make provisions for custody and parenting time that the court finds are in the child's best interests. In determining the best interests of the child, the court shall consider all relevant factors, including: (I) The wishes of the child's parents as to parenting time; (II) The wishes of the child if he or she is sufficiently mature to express reasoned and independent preferences as to the parenting time schedule; (III) The interaction and interrelationship of the child with his or her parents, and siblings; (IV) The child's adjustment to his or her home, school, and community; (V) The mental and physical health of all individuals involved; (VI) The ability of the parties to encourage the sharing of love, affection, and contact between the child and the other party; (VII) Whether the past pattern of involvement of the parties with the

child reflects a system of values, time commitment, and mutual support; (VIII) The physical proximity of the parties to each other as this relates to the practical considerations of parenting time; (IX) Whether one of the parties has been a perpetrator of child or spouse abuse or neglect; (XI) The ability of each party to place the needs of the child ahead of his or her own needs.

- **CHILD SUPPORT:** Colorado child support guidelines are based on the Income Shares Model for calculating child support. The monthly support amount determined by applying the guidelines is divided proportionally according to each parent's income. These two support amounts are then offset to establish which parent will pay the other parent for support of the child. Courts will consider all relevant factors including: (a) The financial resources of the child; (b) The financial resources of the custodial parent; (c) The standard of living the child would have enjoyed had the marriage not been dissolved; (d) The physical and emotional condition of the child and his educational needs; and (e) The financial resources and needs of the noncustodial parent. A child support worksheet can be found at:
http://www.courts.state.co.us/Forms/Forms_List.cfm/Form_Type_ID/94

Connecticut: <http://www.jud.ct.gov/Publications/FM179.pdf>

- **RESIDENCY:** The residency requirement can be met in three ways: 1) One of the parties to the marriage has been a resident of this state for at least the twelve months immediately prior to filing; 2) one of the parties was domiciled in this state at the time of the marriage and returned to this state with the intention of permanently remaining before the filing of the complaint; or 3) the cause for the dissolution of the marriage arose after either party moved into this state. Any person who has served or is serving with the armed forces or the merchant marine, and who was a resident of this state at the time of his or her entry shall be deemed to have continuously resided in this state during the time he or she has served or is serving with the armed forces or merchant marine.
- **FILING:** Either party may file.
- **GROUND:** No Fault Based Grounds: 1) Irretrievable breakdown; 2) the parties have lived apart by reason of incompatibility for a continuous period of at least the eighteen months immediately prior to the service of the complaint and that there is no reasonable prospect that they will be reconciled. Fault Based Grounds: 1) Adultery; 2) Fraud; 3) Willful desertion for one year; 4) 7 years' absence with no contact; 5) Habitual intemperance; 6) Intolerable cruelty; 7) sentence to life imprisonment; 8) Incurable insanity.
- **SEPARATION AGREEMENTS:** If the parties have a separation agreement concerning the custody, care, education, visitation, maintenance or support of any of their children or concerning alimony or the disposition of property, the court will determine whether the agreement of the spouses is fair and equitable under all the circumstances. If the court finds the agreement fair and equitable, it shall become part of the court file, and if the agreement is in writing, it shall be incorporated by reference into the order or decree of the court. If the court finds the agreement is not fair and equitable, it shall make such orders as to finances and custody as the circumstances require.
- **PROPERTY DIVISION:** Equitable distribution state. The Court may assign to either the husband or wife all or any part of the estate of the other. The court may pass title to real property to either party or to a third person or may order the sale of such real property, when in the judgment of the court it is proper. The court shall consider the following factors in determining the appropriate property distribution award: 1) length of the marriage; 2) the causes for the dissolution; 3) the age, health, station, occupation, amount and sources of income, vocational skills, employability, estate, liabilities and needs of each of the parties and the opportunity of each for future acquisition of capital assets and income; 4) the contribution of each of the parties in the acquisition, preservation or appreciation in value of their respective estates.
- **TIMING:** A decree for divorce will not be entered before 90 days after the filing of the complaint. If one of the parties has requested for the parties to meet with a conciliator in hopes of reconciliation, the proceedings may be stayed for six months before a decree will be entered.
- **SPOUSAL SUPPORT:** The court shall consider: 1) the length of the marriage; 2) the causes for the dissolution; 3) the age, health, station, occupation, amount and sources of income, vocational skills, employability, estate and needs of each of the parties; and 4) the desirability of such parent's securing employment.
- **CUSTODY:** The court shall (1) be guided by the best interests of the child, giving consideration to the wishes of the child if the child is of sufficient age and capable of forming an intelligent preference, and (2) consider whether the party satisfactorily completed participation in a parenting education program. There is a presumption that joint custody is in the best interests of a minor child where the parents have agreed to an award of joint custody
- **CHILD SUPPORT:** <http://www.jud.ct.gov/Publications/ChildSupport/2005CSguidelines.pdf>

Delaware: <http://courts.delaware.gov/Help/Divorce/index.stm>

- **RESIDENCY:** Either party must have actually resided in the state, or must have been stationed there as a member of the armed services, continuously for 6 or more months immediately prior to the commencement of the action. Case law shows that temporary absence from one's place of residence, even for a long time, for business, pleasure, reasons of health, education of children or other special purpose will not effect a change of domicile, or actual residency, if, all the while, the person intends to be absent only for the accomplishment of the temporary purpose and to return to his or her former place of residence upon the fulfillment of the purpose.
- **FILING:** Either party may file.
- **GROUND:** Irretrievable breakdown. A marriage is irretrievably broken where it is characterized by: 1) Voluntary separation; 2) Separation caused by respondent's misconduct; 3) Separation caused by respondent's mental illness; or 4) Separation caused by incompatibility.
- **SEPARATION AGREEMENTS:** Is an enforceable contract, but will not be recognized by the court in a divorce proceeding.
- **PROPERTY DIVISION:** Equitable distribution state.
- **TIMING:** Parties must have been separated for 6 months before a divorce will be granted.
- **SPOUSAL SUPPORT:** A party may be awarded alimony if he or she: (1) Is dependent upon the other party for support and the other party is not contractually or otherwise obligated to provide that support after the entry of a decree of divorce or annulment; (2) Lacks sufficient property, including any award of marital property made by the Court, to provide for his or her reasonable needs; and (3) Is unable to support himself or herself through appropriate employment or is the custodian of a child whose condition or circumstances make it appropriate that he or she not be required to seek employment. In determining the amount of spousal support, the court will consider, without regard to marital misconduct, the following factors: (1) The financial resources of the party seeking alimony; (2) The time necessary and expense required to acquire sufficient education or training to enable the party seeking alimony to find appropriate employment; (3) The standard of living established during the marriage; (4) The duration of the marriage; (5) The age, physical and emotional condition of both parties; (6) Any financial or other contribution made by either party to the education, training, vocational skills, career or earning capacity of the other party; (7) The ability of the other party to meet his or her needs while paying alimony; (8) Tax consequences; (9) Whether either party has foregone or postponed economic, education or other employment opportunities during the course of the marriage; and (10) Any other factor which the Court expressly finds is just and appropriate to consider.
- **CUSTODY:** The Court shall determine the legal custody and residential arrangements for a child in accordance with the best interests of the child. In determining the best interests of the child, the Court shall consider all relevant factors including: (1) The wishes of the child's parents; (2) The wishes of the child; (3) The interaction and interrelationship of the child with his or her parents, grandparents, or siblings; (4) The child's adjustment to his or her home, school and community; (5) The mental and physical health of all individuals involved; (6) Past and present compliance by both parents with their rights and responsibilities to their child; (7) Evidence of domestic violence; and (8) The criminal history of any party or any other resident of the household.
- **CHILD SUPPORT:** The Delaware Child Support Calculator can be found at: <http://courts.delaware.gov/SupportCalculator/>

Florida

- **RESIDENCY:** One of the parties must reside in the state for 6 months before the filing of the petition. Case law says that members of the military will meet residency requirements even if they are not currently living in Florida if the record can establish the service member's continuous residence in the state prior to joining the service, and that s/he never established residence elsewhere.
- **FILING:** Either party can file.
- **GROUND:** 1) Irretrievable breakdown; 2) Mental incapacity for at least 3 years.
- **SEPARATION AGREEMENTS:** Binding contract but courts will not recognize them in divorce proceedings.
- **PROPERTY DIVISION:** Equitable distribution, including all vested and nonvested retirement benefits.
- **TIMING:** The divorce will not be granted until at least 20 days have passed from the date of filing.
- **SPOUSAL SUPPORT:** In a proceeding for dissolution of marriage, the court may grant alimony to either party, which alimony may be rehabilitative or permanent in nature. In any award of alimony, the court may order periodic payments or payments in lump sum or both. The court may consider the adultery of either spouse and the circumstances thereof in determining the amount of alimony, if any, to be awarded. In determining a proper award of alimony or maintenance, the court shall consider all relevant economic factors, including but not limited to: (a) the standard of living established during the marriage; (b) the duration of the marriage; (c) the age and the physical and emotional condition of each party; (d) the financial resources of each party, the nonmarital and the marital assets and liabilities distributed to each; (e) when applicable, the time necessary for either party to acquire sufficient education or training to enable such party to find appropriate employment; (f) the contribution of each party to the marriage, including, but not limited to, services rendered in homemaking, child care, education, and career building of the other party; (g) all sources of income available to either party.
- **CUSTODY:** The court shall determine all matters relating to custody of each minor child of the parties in accordance with the best interests of the child. After considering all relevant facts, the father of the child shall be given the same consideration as the mother in determining the primary residence of a child irrespective of the age or sex of the child. The best interests of the child shall include an evaluation of all factors affecting the welfare and interests of the child, including, but not limited to: (a) the parent who is more likely to allow the child frequent and continuing contact with the nonresidential parent; (b) the love, affection, and other emotional ties existing between the parents and the child; (c) the capacity and disposition of the parents to provide the child with their needs; (d) the length of time the child has lived in a stable, satisfactory environment and the desirability of maintaining continuity; (e) the permanence, as a family unit, of the existing or proposed custodial home; (f) the moral fitness of the parents; (g) the mental and physical health of the parents; (h) the home, school, and community record of the child; (i) the reasonable preference of the child; (j) the willingness and ability of each parent to facilitate and encourage a close and continuing parent-child relationship between the child and the other parent; (k) evidence that any party has knowingly provided false information to the court regarding a domestic violence proceeding; (l) evidence of domestic violence or child abuse; (m) any other fact considered by the court to be relevant.
- **CHILD SUPPORT:** Child support guidelines can be found at:
http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0000-0099/0061/Sections/0061.30.html

Georgia

- **RESIDENCY:** One spouse must have lived in GA for 6 months or GA must have been the last domicile of the marriage
- **FILING:** Either party may file
- **GROUND:** 1) The marriage is irretrievably broken (no fault ground); 2) incest; 3) mental incapacity at the time of the marriage; 4) impotency at the time of the marriage; 5) force, menace, duress, or fraud in obtaining the marriage; 6) pregnancy of the wife by a man other than the husband, at the time of the marriage, unknown to the husband; 7) adultery after marriage; 8) willful and continued desertion for the term of one year; 9) the conviction for an offense involving moral turpitude, under which the sentence is imprisonment in a penal institution for a term of two years or longer; 10) habitual intoxication; 11) cruel treatment; 12) incurable mental illness; and 13) habitual drug addiction.
- **SEPARATION AGREEMENTS:** Enforceable contract, but not admissible in divorce
- **PROPERTY DIVISION:** Each spouse is entitled to an equitable share of all marital property. Marital property is all property acquired during the marriage, except for property received by gift from a third party or by inheritance.
- **TIME:** If there is agreement between the parties, the divorce is considered uncontested. An uncontested divorce may be granted 31 days after the defendant has been served with the complaint for divorce. If there is disagreement as to any matter, the divorce will be obtained when the case reaches the court, which can take many months.
- **ALIMONY:** The court may grant alimony to either husband or wife. Alimony may be for a limited period or until the spouse receiving alimony dies or remarries. It may be paid in one payment of money or property, or it may be paid over a period of time.
- **CUSTODY:** Neither parent is automatically entitled to custody. The judge looks at the best interests of the child. The court can award joint custody. In awarding joint custody, the court may order joint legal custody, joint physical custody or both. Joint legal custody means that both parents have equal rights and responsibilities for major decisions concerning the child; joint physical custody means that physical custody is shared by the parents in such a way to assure the child substantially equal time and contact with both parents.
- **CHILD SUPPORT:** Uses an "income shares" model that requires consideration of both parties' gross income. Once the monthly gross income of each party is determined, the two incomes are added together to get the combined adjusted income amount. A Child Support Obligation Table is then used to get the Basic Child Support Obligation. That Basic Child Support Obligation is then applied to each parent's proportionate share of the combined adjusted income. The amount of child support may be modified by certain deviations provided it is in the best interest of the child. The child support calculators can be found at:
<https://services.georgia.gov/dhr/cspp/do/public/SupportCalc>

Guam

- **RESIDENCY:** One of the parties must be resident of Guam for ninety days before the filing of the complaint. If both parties consent to the divorce, it may be granted if one party has resided in Guam for seven days.
- **FILING:** Either party may file if one has been a resident for ninety days.
- **GROUND:** (1) Adultery, where filing occurs within two years of the act(s) or upon its discovery; (2) extreme cruelty; (3) willful desertion for one year; (4) willful neglect for one year; (5) habitual intemperance for one year; (6) conviction of a felony, with confinement of two years; (7) irreconcilable differences
- **MILITARY SPECIFIC:** Military personnel are deemed residents for the purposes of a divorce petition where he or she has been assigned to Guam or a ship home-ported in Guam for at least ninety days before the filing of the complaint or if one of the parties is physically present in Guam for at least ninety days before the filing.
- **SEPARATION AGREEMENTS:** Terms of a separation agreement may be incorporated into a divorce decree according to the court's discretion.
- **PROPERTY DIVISION:** Community property (court divides property equally between the parties) except where grounds for divorce are adultery or extreme cruelty, where the court will divide the property equitably according to its discretion. The decision of the court is subject to appeal.
- **TIME:** The court may enter the final judgment six months after the filing of the petition; this period may be shortened at the court's discretion.
- **SPOUSAL SUPPORT:** May be awarded according to the court's discretion
- **CUSTODY:** Awarded according to the child's best interests. Factors considered include: (1) preference given to a party that has had de facto custody in a stable and wholesome home; (2) child's wishes if of reasonable age and capacity to reason; (3) results of a report, if any, made by proper authorities; (4) testimonies of relevant experts or other people; (5)
- **CHILD SUPPORT:** The court determines the amount of child support needed for payment of the medical care, support, reasonable education, and maintenance of the children.

Hawaii: <http://www.courts.state.hi.us/self-help/divorce/divorce.html>

- **RESIDENCY:** One party must have been domiciled or physically present in the state for at least 6 months immediately prior to filing. Case law suggests that once Hawaii has been established as your domicile for the required period of time (presence in the state with the intent to remain), you may bring a divorce action even if you are not currently present in Hawaii unless you have acquired a domicile elsewhere. You do not lose your status as a domiciliary of Hawaii if you are temporarily away on military assignment (e.g. deployment to Iraq or Afghanistan). However, you probably lose domiciliary status if you have PCS orders.
- **FILING:** Either party may file.
- **GROUND:** 1) Irretrievable breakdown; 2) The parties have lived separate and apart under a decree of separation from bed and board entered by any court of competent jurisdiction, the term of separation has expired, and no reconciliation has been effected; 3) The parties have lived separate and apart for a period of two years or more.
- **SEPARATION AGREEMENTS:** A separation agreement is valid in divorce proceedings, subject to approval by the court.
- **PROPERTY DIVISION:** Equitable distribution, taking into account: 1) the respective merits of the parties; 2) the relative abilities of the parties; 3) the condition in which each party will be left by the divorce; 4) the burdens imposed upon either party for the benefit of the children of the parties; and 5) all other circumstances of the case.
- **TIMING:** If the divorce is uncontested, the court will fix the date on which the divorce will be finalized; this date cannot be longer than one month after the court has issued the decree. If the divorce is contested, the court may continue the divorce for further hearing, which can be scheduled for as many as 60 days later.
- **SPOUSAL SUPPORT:** In addition to any other relevant factors considered, the court, in ordering spousal support and maintenance, shall consider the following factors: (1) financial resources of the parties; (2) ability of the party seeking support and maintenance to meet his or her needs independently; (3) duration of the marriage; (4) standard of living established during the marriage; (5) age of the parties; (6) physical and emotional condition of the parties; (7) usual occupation of the parties during the marriage; (8) vocational skills and employability of the party seeking support and maintenance; (9) needs of the parties; (10) custodial and child support responsibilities; (11) ability of the party from whom support and maintenance is sought to meet his or her own needs while meeting the needs of the party seeking support and maintenance; (12) other factors which measure the financial condition in which the parties will be left as the result of the action under which the determination of maintenance is made; and (13) probable duration of the need of the party seeking support and maintenance.
- **CUSTODY:** Custody should be awarded to either parent or to both parents according to the best interests of the child, and the court may also consider frequent, continuing, and meaningful contact of each parent with the child unless the court finds that a parent is unable to act in the best interest of the child.
- **CHILD SUPPORT:** Hawaii uses the Percentage of Income formula to determine child support. The state child support guidelines can be found at: <http://hawaii.gov/jud/childpp.htm>

Idaho: http://www.courtselfhelp.idaho.gov/familylaw_new.asp

- **RESIDENCY:** The filing party must live in the state for the 6 weeks preceding filing of the action. Case law specifically applies this to military members also.
- **FILING:** Only the party living in Idaho may file.
- **GROUND:** No-fault based grounds: 1) irreconcilable differences; and 2) living separate and apart for a period of 5 years or more without cohabitation. Fault based grounds: 1) adultery; 2) extreme cruelty; 3) willful desertion; 4) willful neglect; 5) habitual intemperance; 6) felony conviction; and 7) insanity.
- **SEPARATION AGREEMENTS:** Considered a “marriage settlement.” Must be in writing, signed, and notarized. **WARNING:** If it addresses real property, may need to be recorded like a deed.
- **PROPERTY DIVISION:** Community property state. Community property is defined as all property & debt that was acquired from the date of marriage. Generally, if the parties are unable to agree, the community assets will be split equally by the court. Court may consider all relevant factors in determining division including: 1) duration of the marriage; 2) any antenuptial agreement/s; 3) age, health, education, employability, skills, occupation, income, and liabilities of each spouse; 4) needs of each spouse; 5) whether in lieu of or in addition to maintenance; 6) present and potential earning capability of each party; and 7) retirement benefits.
- **SPOUSAL MAINTENANCE:** The court may order maintenance (or alimony) if it finds that the spouse seeking maintenance: 1) lacks sufficient property to provide for his or her reasonable needs; AND 2) is unable to support himself or herself through employment. In determining the amount and duration of maintenance, the court will consider all relevant factors which may include: a) the financial resources of the spouse seeking maintenance, including the marital property apportioned to said spouse, and said spouse's ability to meet his or her needs independently; b) the time necessary to acquire sufficient education and training to enable the spouse seeking maintenance to find employment; c) the duration of the marriage; d) the age and the physical and emotional condition of the spouse seeking maintenance; e) the ability of the spouse from whom maintenance is sought to meet his or her needs while meeting those of the spouse seeking maintenance; f) the tax consequences to each spouse; g) the fault of either party.
- **CUSTODY:** Court looks for the best interests of the child/ren. The court shall consider all relevant factors which may include: 1) the wishes of the child's parent/s as to custody; 2) the wishes of the child; 3) the interaction and interrelationship of the child with parent/s, and siblings; 4) the child's adjustment to the home, school, and community; 5) the character and circumstances of all individuals involved; 6) the need to promote continuity and stability in the life of the child; and 7) domestic violence, whether or not in the presence of the child.
- **CHILD SUPPORT:** The court may order either parent to pay an amount reasonable or necessary for the child's support and education until the child is 18 years of age (19 if still in high school). Idaho child support is calculated by estimating the amount of support that would have been available to the child(ren) if the family had remained intact. This estimated amount is then divided proportionally to the parents according to each parent's income. A copy of the Idaho Supreme Court Child Support Guidelines can be found at: http://www.isc.idaho.gov/icsg_cov.htm

Illinois

- **RESIDENCY:** One party must be a resident of Illinois, or stationed there as a member of the Armed Services, for at least 90 days immediately preceding the filing of the complaint. “Residence” does not mean “domicile,” but denotes a “permanent abode,” or the place one considers as home.
- **FILING:** Either party may file.
- **TYPES:** Illinois has an alternative called a “simplified divorce,” which is an expedited process available to certain couples who meet the qualifications (there must be no children, the marriage must have been less than 8 years, no property disputes and less than \$10k of marital property, etc.). For more information, see <http://lakecountyil.gov/CircuitClerk/CivilCriminal/SimplifiedDivorce.htm>
- **GROUND:** No fault based grounds: 1) spouses have lived separate and apart for more than 2 years and irreconcilable differences have caused an irretrievable breakdown of the marriage; 2) spouses have lived separate and apart for 6 months, and have waived the 2 year requirement in a written stipulation filed with the court. Fault based grounds: 1) impotence; 2) respondent was already married at the time of the marriage; 3) adultery; 4) willful desertion for one year; 5) habitual drunkenness; 6) excess use of addictive drugs; 7) extreme and repeated physical and mental cruelty; 8) felony conviction; 9) respondent has infected the other spouse with a sexually transmitted disease.
- **SEPARATION AGREEMENTS:** Agreement terms, except those related to support, custody, and visitation of children, are binding unless the court finds, after considering the parties’ economic circumstances and other relevant evidence, on their own motion or on request of the court, that it is unconscionable.
- **PROPERTY DIVISION:** Equitable distribution of all marital property except the following “non-marital” property: 1) property acquired by gift, legacy or descent; (2) property acquired in exchange for property acquired before the marriage or in exchange for property acquired by gift, legacy, or descent; (3) property acquired by a spouse after a judgment of legal separation; (4) property excluded by valid agreement of the parties; (5) any judgment or property obtained by judgment awarded to a spouse from the other spouse; (6) property acquired before the marriage; (7) increase in value of property; (8) income from property acquired.
- **TIME:** If the parties have signed a Marriage Settlement Agreement, the court may enter the judgment immediately. However, some judges will want to read the transcript before they enter judgment, which may take 1-4 weeks. In default judgment cases, the process will usually take around 30 days. In contested cases, the judge will order a trial and enter the decree at the close of the trial.
- **SPOUSAL SUPPORT:** In a proceeding for dissolution of marriage a maintenance award for either spouse in amounts and for periods of time as the court deems just, without regard to marital misconduct, in gross or for fixed or indefinite periods of time after consideration of all relevant factors, including: (1) the income and property of each party; (2) the needs of each party; (3) the present and future earning capacity of each party; (4) any impairment of the present and future earning capacity of the party seeking maintenance due to that party devoting time to domestic duties or the marriage; (5) the time necessary to enable the party seeking maintenance to acquire appropriate education, training, and employment; (6) the standard of living established during the marriage; (7) the duration of the marriage; (8) the age and the physical and emotional condition of both parties; (9) the tax consequences of the property division upon the respective economic circumstances of the parties; (10) contributions and services by the party seeking maintenance to the education, training, career or career potential, or license of the other spouse; (11) any valid agreement of the parties; and (12) any other factor that the court expressly finds.
- **CUSTODY:** The court shall determine custody in accordance with the best interest of the child. The court shall consider all relevant factors including: (1) the wishes of the parents; (2) the wishes of the child; (3) the

interaction and interrelationship of the child with his parent or parents, his siblings and any other person who may significantly affect the child's best interest; (4) the child's adjustment to his home, school and community; (5) the mental and physical health of all individuals involved; (6) the physical violence or threat of physical violence by the child's potential custodian, whether directed against the child or directed against another person; (7) the occurrence of ongoing or repeated abuse, whether directed against the child or directed against another person; (8) the willingness and ability of each parent to facilitate and encourage a close and continuing relationship between the other parent and the child; and (9) whether one of the parents is a sex offender.

- **CHILD SUPPORT:** The state Child Support Guidelines and Calculator can be found at: <http://www.childsupportillinois.com/general/calculating.html>

Indiana: <http://www.in.gov/judiciary/selfservice/forms/>

- **RESIDENCY:** One of the parties must have been a resident of Indiana or stationed at a military installation in Indiana for at least 6 months immediately prior to filing. Case law suggests that if a member of the armed forces was a resident of Indiana prior to their enlistment, listed Indiana as their state of residence, paid Indiana income tax and kept his Indiana driver's license, he was still a resident of the state even if he was stationed outside the state for his military duties.
- **FILING:** Either party may file.
- **GROUND:** No Fault Based Ground: 1) Irretrievable breakdown. Fault Based Grounds: 1) Felony conviction; 2) Impotence; 3) Incurable insanity.
- **SEPARATION AGREEMENTS:** The terms of the separation agreement, including those pertaining to maintenance, custody and support, may be incorporated and merged into the divorce decree, or the court may set the terms of these provisions.
- **PROPERTY DIVISION:** Equitable distribution. The court shall presume that equal division of the marital property is equitable, unless relevant evidence is presented to show otherwise. If the spouses cannot agree on the disposition of property, the court, at their discretion, will consider the following factors to divide the property; (1) owned by either spouse before the marriage; (2) acquired by either spouse in his or her own right: (A) after the marriage; and (B) before final separation of the parties; or (3) acquired by their joint efforts.
- **TIMING:** A final hearing will not be conducted earlier than 60 days after the filing of the complaint.
- **SPOUSAL SUPPORT:** The court can order maintenance if: 1) a spouse is found to be physically or mentally incapacitated so that the ability to support themselves is materially affected; 2) a spouse lacks sufficient property to provide for his/her needs; or 3) the spouse is the custodian of a child whose physical or mental incapacity requires the custodian to forgo employment. The court will consider: (A) the educational level of each spouse; (B) whether an interruption in the education, training, or employment occurred during the marriage as a result of homemaking or child care responsibilities; (C) the earning capacity of each spouse; and (D) the time and expense necessary to acquire sufficient education or training to enable the spouse who is seeking maintenance to find appropriate employment.
- **CUSTODY:** The court shall determine custody in accordance with the best interests of the child. In determining the child's best interests, there is not a presumption favoring either parent. The court shall consider all relevant factors, including the following: (1) The age and sex of the child. (2) The wishes of the child's parents. (3) The wishes of the child. (4) The interaction and interrelationship of the child with the child's parents, siblings, and any other person who may significantly affect the child's best interest. (5) The child's adjustment to home, school, and community. (6) The mental and physical health of all individuals involved. (7) Evidence of a pattern of domestic or family violence by either parent. (8) Evidence that the child has been cared for by a de facto custodian.
- **CHILD SUPPORT:** Indiana uses the Income Shares Model for calculating child support. The state's child support calculator can be found at: <http://mycourts.in.gov/csc/parents/>

Iowa: http://www.iowacourts.gov/Court_Rules_and_Forms/Family_Law_Forms/index.asp

- **RESIDENCY:** One party must be a resident of the state for 1 year prior to serving the complaint. This residency must be in good faith, and not for the sole purpose of obtaining a dissolution decree.
- **FILING:** Only the spouse who is an Iowa resident may file.
- **GROUND:** There has been a breakdown of the marriage relationship to the extent that the legitimate objects of matrimony have been destroyed and there remains no reasonable likelihood that the marriage can be preserved.
- **SEPARATION AGREEMENTS:** Courts may consider, but are not bound by, separation agreements.
- **PROPERTY DIVISION:** Equitable distribution.
- **TIMING:** No final decree will be entered until 90 days have passed after original notice is served.
- **SPOUSAL SUPPORT:** The court may grant an order requiring support payments to either party for a limited or indefinite length of time after considering all of the following: 1) The length of the marriage; 2) The age and physical and emotional health of the parties; 3) The distribution of property; 4) The educational level of each party; 5) The earning capacity of the party seeking maintenance, and the time and expense necessary to acquire sufficient education or training to enable the party to find appropriate employment; 6) The feasibility of the party seeking maintenance becoming self-supporting at a standard of living reasonably comparable to that enjoyed during the marriage; 7) The tax consequences to each party; 8) Any mutual agreement made by the parties concerning financial or service contributions by one party with the expectation of future reciprocation or compensation by the other party; 9) The provisions of an antenuptial agreement; 10) Other factors the court may determine to be relevant in an individual case.
- **CUSTODY:** The court will establish custody in accordance with the best interest of the child. In considering what custody arrangement is in the best interest of the minor child, the court shall consider the following factors: (a) whether each parent would be a suitable custodian for the child; (b) whether the psychological and emotional needs and development of the child will suffer due to lack of active contact with and attention from both parents; (c) whether the parents can communicate with each other regarding the child's needs; (d) whether both parents have actively cared for the child before and since the separation; (e) Whether each parent can support the other parent's relationship with the child; (f) whether the custody arrangement is in accord with the child's wishes or whether the child has strong opposition, taking into consideration the child's age and maturity; (g) whether one or both the parents agree or are opposed to joint custody; (h) the geographic proximity of the parents; (i) whether the safety of the child, other children, or the other parent will be jeopardized by the awarding of joint custody or by unsupervised or unrestricted visitation; (j) whether a history of domestic abuse exists.
- **CHILD SUPPORT:** Iowa's Child Support Estimator can be found at: <https://secureapp.dhs.state.ia.us/childsupport/guidelines.asp>

Kansas: <http://www.kansasjudicialcouncil.org/DivorceForms.shtml>

- **RESIDENCY:** Either of the parties must have been an actual resident of the state, or stationed there at a military installation, for at least 60 days immediately prior to the action.
- **FILING:** Either party may file.
- **GROUND:** No fault based grounds: (1) incompatibility. Fault based grounds: (1) failure to perform a material marital duty or obligation; or (2) incompatibility by reason of mental illness or mental incapacity of one or both spouses.
- **SEPARATION AGREEMENTS:** If the parties have entered into a separation agreement which the court finds to be valid, just and equitable, the agreement shall be incorporated in the decree. Any provision relating to the legal custody or support of children is subject to the discretion of the court.
- **PROPERTY DIVISION:** Equitable distribution. The real and personal property of the parties, including any retirement and pension plans, whether owned by either spouse prior to marriage, acquired by either spouse in the spouse's own right after marriage or acquired by the spouses' joint efforts, will be distributed by: (a) a division of the property in kind; (b) awarding the property or part of the property to one of the spouses and requiring the other to pay a just and proper sum; or (c) ordering a sale of the property, under conditions prescribed by the court, and dividing the proceeds of the sale.
- **TIMING:** An action for divorce will not be heard until 60 days have passed since the filing of the petition.
- **SPOUSAL SUPPORT:** The decree may award to either party maintenance, in an amount the court finds to be fair, just and equitable under all of the circumstances. The decree may make the future payments modifiable or terminable under circumstances prescribed in the decree. In any event, the court may not award maintenance for a period of time in excess of 121 months.
- **CUSTODY:** The court shall determine custody or residency of a child in accordance with the best interests of the child. If the parties have entered into a parenting plan, it shall be presumed that the agreement is in the best interests of the child. This presumption may be overcome and the court may make a different order if the court makes specific findings of fact stating why the agreed parenting plan is not in the best interests of the child. The court shall consider all relevant factors, including but not limited to: (i) length of time that the child has been under the actual care and control of any person other than a parent; (ii) desires of the child's parents; (iii) desires of the child; (iv) interaction and interrelationship of the child with parents, siblings and any other person who may significantly affect the child's best interests; (v) child's adjustment to the child's home, school and community; (vi) willingness and ability of each parent to respect and appreciate the bond between the child and the other parent and to allow for a continuing relationship between the child and the other parent; (vii) evidence of spousal abuse; (viii) whether a parent is subject to the registration requirements of the Kansas offender registration act; (ix) whether a parent has been convicted of abuse of a child; and (x) whether a parent is residing with an individual who has been convicted of abuse of a child.
- **CHILD SUPPORT:** Kansas uses the Income Shares Model to calculate child support. In determining the amount to be paid for child support, the court shall consider all relevant factors, without regard to marital misconduct, including the financial resources and needs of both parents, the financial resources and needs of the child and the physical and emotional condition of the child. The court may modify or change any prior order, within three years of the date of the original order or a modification order, when a material change in circumstances is shown, irrespective of the present domicile of the child or the parents. Guidelines can be found at: <http://www.kscourts.org/rules-procedures-forms/Child-Support-Guidelines/default.asp>

Kentucky: http://www.kylawhelp.org/topic_divorce

- **RESIDENCY:** One of the parties must reside in the state, or be stationed there while a member of the armed services, for 180 days immediately prior to the filing. Actual residence in the state is ordinarily required; however, case law shows that if the absence from the state is temporary and the parties intend to return to the state, the residency requirement may be met.
- **FILING:** Either party may file.
- **GROUND:** Irretrievable breakdown.
- **SEPARATION AGREEMENTS:** In a proceeding for dissolution of marriage or for legal separation, the terms of the separation agreement, except those providing for the custody, support and visitation of children, are binding upon the court unless it finds that the separation agreement is unconscionable.
- **PROPERTY DIVISION:** Equitable distribution. The court assigns each spouse's property to him. It also divides the marital property without regard to marital misconduct in just proportions considering all relevant factors including: 1) contribution of each spouse to acquisition of the marital property, including contribution of a homemaker; 2) value of the property set apart to each spouse; 3) duration of the marriage; and 4) economic circumstances of each spouse when the division of property is to become effective.
- **TIME:** No decree shall be entered until the parties have lived apart for 60 days. "Living apart" includes living under the same roof without sexual cohabitation.
- **SPOUSAL SUPPORT:** The court may grant order for either spouse only if it finds that the spouse seeking maintenance: (a) Lacks sufficient property to provide for his reasonable needs; and (b) Is unable to support himself through appropriate employment. The maintenance order shall be in such amounts and for such periods of time as the court deems just, and after considering all relevant factors including: (a) The financial resources of the party seeking maintenance; (b) The time necessary to acquire sufficient education or training to enable the party seeking maintenance to find appropriate employment; (c) The standard of living established during the marriage; (d) The duration of the marriage; (e) The age, and the physical and emotional condition of the spouse seeking maintenance; and (f) The ability of the spouse from whom maintenance is sought to meet his needs while meeting those of the spouse seeking maintenance.
- **CUSTODY:** The court shall determine custody in accordance with the best interests of the child and equal consideration shall be given to each parent and to any de facto custodian. "De facto custodian" is a person who has been shown to have been the primary caregiver for, and financial supporter of, a child who has resided with the person for a period of 6 months or more if the child is under 3 years of age and for a period of 1 year or more if the child is 3 years of age or older. The court shall consider all relevant factors including: 1) The wishes of the parents and any de facto custodian; 2) The wishes of the child; 3) The interaction and interrelationship of the child with his parent or parents, his siblings, and any other person who may significantly affect the child's best interests; 4) The child's adjustment to his home, school, and community; 5) The mental and physical health of all individuals involved; 6) Information, records, and evidence of domestic violence; 7) The extent to which the child has been cared for, nurtured, and supported by any de facto custodian; 8) The intent of the parent or parents in placing the child with a de facto custodian; and 9) The circumstances under which the child was placed or allowed to remain in the custody of a de facto custodian.
- **CHILD SUPPORT:** The state child support calculator can be found at:
<http://chfs.ky.gov/dis/cse.htm#calculate>

Louisiana

- **RESIDENCY:** The filing spouse must be a Louisiana resident for one year.
- **FILING:** Only a party who has been a Louisiana resident for one year may file; that party may file in the parish in which either spouse resides.
- **GROUND:** No fault based grounds: 1) the spouses have been living separate and apart continuously for the requisite period of time (180 days if there are no children; 1 year if there are children); except if the marriage was a covenant marriage. Fault Based Grounds: 1) the other spouse has committed adultery; or 2) felony conviction with sentence of death or imprisonment at hard labor.
- **MILITARY SPECIFIC:** A member of the armed forces who has been stationed for at least six months in LA and has resided in the parish where the action was filed for ninety days is considered a domiciliary during the period of his service there.
- **SEPARATION AGREEMENTS:** Separation agreement terms may be incorporated into a divorce decree.
- **PROPERTY DIVISION:** Community property state. Community property is all property that was acquired during the marriage. This property will be divided equally (50-50) by the court if the parties are not able to come to an agreement. All separate property like gifts, inheritances, and property owned prior to the marriage will remain with each spouse and then all other property will be split equally. The court will take into consideration the needs of each spouse when determining how the property is to be split and each spouse has the right to ask the court to be awarded the marital home. When deciding who should be awarded the marital home, the spouse who will have custody of the children is typically the court favorite.
- **TIME:** A divorce will not be granted until 180 days have passed since the petition has been served.
- **SPOUSAL SUPPORT:** The court will consider all relevant factors in determining the entitlement, amount, and duration of spousal support. These factors include: (1) needs of the parties. (2) income and means of the parties, including the liquidity of such means. (3) The financial obligations of the parties. (4) The earning capacity of the parties. (5) The effect of custody of children upon a party's earning capacity. (6) The time necessary for the claimant to acquire appropriate education, training, or employment. (7) The health and age of the parties. (8) The duration of the marriage. (9) The tax consequences to either or both parties.
- **CUSTODY:** When determining a custody award, the court shall consider all relevant factors in determining the best interest of the child. Such factors may include: (1) the love, affection, and other emotional ties between each party and the child; (2) the capacity and disposition of each party to give the child love, affection, and spiritual guidance and to continue the education and rearing of the child; (3) the capacity and disposition of each party to provide the child with food, clothing, medical care, and other material needs; (4) the length of time the child has lived in a stable, adequate environment, and the desirability of maintaining continuity of that environment; (5) the permanence, as a family unit, of the existing or proposed custodial home or homes; (6) the moral fitness of each party, insofar as it affects the welfare of the child; (7) the mental and physical health of each party; (8) the home, school, and community history of the child; (9) the reasonable preference of the child, if the court deems the child to be of sufficient age to express a preference; (10) the willingness and ability of each party to facilitate and encourage a close and continuing relationship between the child and the other party; (11) the distance between the respective residences of the parties; (12) the responsibility for the care and rearing of the child previously exercised by each party.
- **CHILD SUPPORT:** The Louisiana child support worksheet can be found at:
http://www.dss.state.la.us/assets/docs/searchable/OFS/Overview/SES/Ses_OBL_A_330.PDF

Maine: <http://www.ptla.org/cliented/family/familyindex.htm>

- **RESIDENCY:** The residency requirement can be met in four ways: 1) The plaintiff has resided in good faith in this State for 6 months prior to the commencement of the action; 2) The plaintiff is a resident of this State and the parties were married in this State; 3) The plaintiff is a resident of this State and the parties resided in this State when the cause of divorce accrued; or 4) The defendant is a resident of this State.
- **FILING:** Either party may file.
- **GROUND:** No Fault Based Grounds: 1) irreconcilable differences. Fault based grounds: 1) adultery; 2) impotence; 3) extreme cruelty; 4) desertion for 3 years; 5) gross habits of intoxication from use of liquor or drugs; 6) nonsupport (neglect); 7) cruel and abusive treatment; 8) mental illness requiring confinement for at least 7 years.
- **SEPARATION AGREEMENTS:** Upon entry of a final judgment of divorce between the parties, the separation agreement terminates. However, that portion of the separation decree disposing of the parties' property is not subject to termination and remains in full force.
- **PROPERTY DIVISION:** Equitable distribution. The court shall set apart to each spouse the spouse's property and shall divide the marital property in proportions the court considers just after considering all relevant factors, including: 1) the contribution of each spouse to the acquisition of the marital property, including the contribution of a spouse as homemaker; 2) the value of the property set apart to each spouse; and 3) the economic circumstances of each spouse at the time the division of property is to become effective, including the desirability of awarding the family home or the right to live in the home for reasonable periods to the spouse having custody of the children.
- **TIMING:** A final decree will not be entered until 60 days have passed since the complaint was filed.
- **SPOUSAL SUPPORT:** As a general rule, maintenance will not be awarded if the parties were married for less than 10 years. In any case, the maintenance order will not last longer than half the length of the marriage. The court shall consider the following factors when determining an award of spousal support: (a) The length of the marriage; (b) the ability of each party to pay; (c) the age of each party; (d) the employment history and employment potential of each party; (e) the income history and income potential of each party; (f) the education and training of each party; (g) the provisions for retirement and health insurance benefits of each party; (h) the tax consequences of the division of marital property; (i) the health and disabilities of each party; (j) the tax consequences of a spousal support award; (k) the contributions of either party as homemaker; (l) the contributions of either party to the education or earning potential of the other party; (m) Economic misconduct by either party resulting in the diminution of marital property or income; (n) the standard of living of the parties during the marriage; (o) the ability of the party seeking support to become self-supporting within a reasonable period of time; (p) the effect of the following on a party's need for spousal support or a party's ability to pay spousal support
- **CUSTODY:** In making decisions regarding the child's residence and parent-child contact, the court shall consider as primary the safety and well-being of the child. In applying this standard, the court shall consider the following factors: (a) the age of the child; (b) relationship of the child with the child's parents and any other persons who may significantly affect the child's welfare; (c) the preference of the child, if old enough to express a meaningful preference; (d) the duration and adequacy of the child's current living arrangements and the desirability of maintaining continuity; (e) the stability of any proposed living arrangements for the child; (f) the motivation of the parties involved and their capacities to give the child love, affection and guidance; (g) the child's adjustment to the child's present home, school and community; (h) the capacity of each parent to allow and encourage frequent and continuing contact between the child and the other parent, including physical access; (i) the capacity of each parent to cooperate or to learn to cooperate in child care;

(j) Methods for assisting parental cooperation and resolving disputes and each parent's willingness to use those methods; K) The effect on the child if one parent has sole authority over the child's upbringing; (l) The existence of domestic abuse between the parents, in the past or currently, and how that abuse affects; (m) The existence of any history of child abuse by a parent; (n) all other factors having a reasonable bearing on the physical and psychological well-being of the child; (o) a parent's prior willful misuse of the protection from abuse process; (p) if the child is under one year of age, whether the child is being breast-fed; and (q) the existence of a parent's conviction for a sex offense or a sexually violent offense.

- **CHILD SUPPORT:** The state child support calculator can be found at:
http://www.courts.state.me.us/maine_courts/specialized/family/child_support.html

Maryland

- **RESIDENCY:** If the grounds for the divorce occurred outside of this State, a party may not apply for a divorce unless 1 of the parties has resided in this State for at least 1 year before the application is filed. Otherwise, if either spouse is a resident of the state of Maryland, he or she may file in the county in which either spouse resides. If you are filing for divorce under the grounds of insanity, the residency requirement is increased to 2 years. Case law says that if a service member has established a domicile in Maryland prior to entering the service, he is still a resident for purposes of divorce proceedings even if he has not lived in the state since.
- **TYPES:** 1) Limited divorce; 2) absolute divorce. An absolute divorce means that the divorce is permanent, parties can remarry, and property claims are terminated. A limited divorce is a legal separation; it is not permanent, the parties cannot remarry, and property claims are not terminated (although they may be settled in the limited divorce). A limited divorce only serves to legalize the separation and provide for support. You are NOT required to get a limited divorce before you can get an absolute divorce.
- **FILING:** Either party may file.
- **GROUND:** Grounds for a limited divorce: 1) cruelty of treatment toward spouse or minor child; 2) excessively vicious conduct toward spouse or minor child; 3) desertion; 4) voluntary separation. Grounds for an absolute divorce: 1) adultery; 2) desertion for 12 months; 3) voluntary separation for 12 months; 4) felony conviction, where the felon has been incarcerated for at least 12 months; 5) 2 years living apart and separate; 6) incurable insanity; 7) cruelty of treatment toward the spouse or minor child; 8) excessively vicious conduct toward spouse or minor child.
- **SEPARATION AGREEMENTS:** A separation agreement may or may not be incorporated or merged into a divorce decree at the court's discretion.
- **PROPERTY DIVISION:** Equitable distribution, taking into account marital misconduct.
- **TIMING:** A final decree will not be entered until 90 have passed since the plaintiff filed for divorce.
- **SPOUSAL SUPPORT:** In making the determination, the court shall consider all the factors necessary for a fair and equitable award, including: (1) the ability of the party seeking alimony to be wholly or partly self-supporting; (2) the time necessary for the party seeking alimony to gain sufficient education or training to enable that party to find suitable employment; (3) the standard of living that the parties established during their marriage; (4) the duration of the marriage; (5) the contributions, monetary and nonmonetary, of each party to the well-being of the family; (6) the circumstances that contributed to the estrangement of the parties; (7) the age of each party; (8) the physical and mental condition of each party; (9) the ability of the party from whom alimony is sought to meet that party's needs while meeting the needs of the party seeking alimony; (10) any agreement between the parties; (11) the financial needs and financial resources of each party, including.
- **CUSTODY:** Custody, whether joint or sole, will be awarded to either the mother or the father or both with the best interest of the children in mind. The typical factors considered are, but not limited to; age, health, parents contributing roles, child's wishes etc.
- **CHILD SUPPORT:** State child support guidelines and calculator can be found at:
<http://www.dhr.state.md.us/csea/worksheet.htm>

Massachusetts:

<http://www.mass.gov/courts/courtsandjudges/courts/probateandfamilycourt/forms.html#divorce>

- **RESIDENCY:** If the plaintiff has lived in this commonwealth for one year preceding the commencement of the action if the cause occurred outside of the commonwealth, or if the plaintiff is domiciled within the commonwealth at the time of the commencement of the action and the cause occurred inside the commonwealth, the residency requirement is met, unless it appears that the plaintiff has moved to Massachusetts for the purpose of obtaining a divorce.
- **FILING:** Either party may file.
- **GROUND:** No fault based grounds: 1) irretrievable breakdown. Fault based grounds: 1) adultery; 2) impotence; 3) utter desertion for one year; 4) gross habits of intoxication by excessive use of liquor or drugs; 5) cruel and abusive treatment; 6) neglect of support.
- **SEPARATION AGREEMENTS:** The separation agreement will be incorporated and merged into the final decree unless the parties have agreed that it should not be.
- **PROPERTY DIVISION:** Equitable distribution. In determining the appropriate property distribution award, the courts shall consider the following: (1) length of the marriage; (2) the conduct of the parties during the marriage; (3) the age; (4) health; (5) station; (6) occupation; (7) amount and sources of income; (8) vocational skills; (9) employability; (10) estate; (11) liabilities and needs of each of the parties; (12) the opportunity of each for future acquisition of capital assets and income.
- **TIMING:** If the divorce based on irretrievable breakdown, the court will hold a hearing on the separation agreement. After the hearing, it has 30 days to enter its findings. If it finds that there is an irretrievable breakdown, the final decree will be entered 30 days after the court's finding of such. If the parties do not file a separation agreement with the court, the hearing will occur no earlier than 6 months after filing the complaint.
- **SPOUSAL SUPPORT:** In determining the amount of alimony, the court shall consider the length of the marriage, the conduct of the parties during the marriage, the age, health, station, occupation, amount and sources of income, vocational skills, employability, estate, liabilities and needs of each of the parties and the opportunity of each for future acquisition of capital assets and income. In addition to or in lieu of alimony, the court may assign to either spouse part of the estate of the other, including all vested and nonvested benefits (military benefits, retirement benefits, insurance, etc.).
- **CUSTODY:** In determining what custody arrangement would be in the best interest of the child, the court shall consider all relevant facts including, but not limited to, whether any member of the family abuses alcohol or other drugs or has deserted the child and whether the parties have a history of being able and willing to cooperate in matters concerning the child. The court shall consider the shared custody implementation plans submitted by the parties. The court may issue a shared legal and physical custody order and, in conjunction therewith, may accept the shared custody implementation plan submitted by either party or by the parties jointly or may issue a plan modifying the plan or plans submitted by the parties. The court may also reject the plan and issue a sole legal and physical custody award to either parent. A shared custody implementation plan issued or accepted by the court shall become part of the judgment in the action, together with any other appropriate custody orders and orders regarding the responsibility of the parties for the support of the child.
- **CHILD SUPPORT:** The state child support calculator can be found at:
<http://www.mass.gov/courts/childsupport/index.html>

Michigan

- **RESIDENCY:** One of the parties must be a resident of the state for 180 days immediately prior to filing the complaint. If the cause for divorce has occurred outside the state, the residency requirement is 1 year. State law suggests that if Michigan was a service member's legal residence for the required period of time, outside of his service in the armed forces, and he intends to return to Michigan once his service has ended, he has met the residency requirements.
- **FILING:** Either party may file.
- **GROUND:** 1) Breakdown of the marriage relationship to the extent that the objects of matrimony have been destroyed and there remains no reasonable likelihood that the marriage can be preserved. (This language is statutory and must be used in the complaint).
- **SEPARATION AGREEMENTS:** Agreements may be included in the final divorce decree but are not binding on the court.
- **PROPERTY DIVISION:** Equitable distribution.
- **TIME:** The divorce decree will not be entered until at least 60 days have passed since the complaint was filed.
- **SPOUSAL SUPPORT:** If the estate and other property awarded to either party are insufficient for the suitable support and maintenance of that party, and any children of the marriage as are committed to the care and custody of that party, the court may award to that party the part of the real and personal estate of the other party and spousal support out of the real and personal estate, to be paid to either party in gross or otherwise as the court considers just and reasonable, after considering the ability of either party to pay and the character and situation of the parties, and all the other circumstances of the case.
- **CUSTODY:** The following factors to be considered, evaluated, and used by the court to determine what is in the "best interests" of the children when establishing a child custody order: (a) The love, affection, and other emotional ties existing between the parties involved and the child. (b) The capacity and disposition of the parties involved to give the child love, affection, and guidance and to continue the education and raising of the child in his or her religion or creed, if any. (c) The capacity and disposition of the parties involved to provide the child with his/her needs. (d) The length of time the child has lived in a stable, satisfactory environment, and the desirability of maintaining continuity. (e) The permanence, as a family unit, of the existing or proposed custodial home or homes. (f) The moral fitness of the parties involved. (g) The mental and physical health of the parties involved. (h) The home, school, and community record of the child. (i) The reasonable preference of the child. (j) The willingness and ability of each of the parties to facilitate and encourage a close and continuing parent-child relationship between the child and the other parent or the child and the parents. (k) Domestic violence, regardless of whether the violence was directed against or witnessed by the child. (l) Any other factor considered by the court to be relevant to a particular child custody dispute.
- **CHILD SUPPORT:** The state child support guidelines and formula can be found at: <http://courts.michigan.gov/scao/services/focb/mcsf.htm>

Minnesota: <http://www.mncourts.gov/selfhelp/?page=310>

- **RESIDENCY:** One of the parties must have resided in the state, been stationed there in the military, or been domiciled in the state for at least 180 days immediately prior to filing. Case law says that mere change of residence, although continued for a long time, does not effect a change of domicile.
- **FILING:** Either party may file.
- **GROUND:** Irretrievable breakdown. This must be supported by evidence that (i) the parties have lived separate and apart for a period of at least 180 days, or (ii) there is serious marital discord adversely affecting the attitude of one or both of the parties toward the marriage.
- **SEPARATION AGREEMENTS:** The separation agreement can be merged into the divorce decree.
- **PROPERTY DIVISION:** Equitable distribution.
- **TIMING:** The process can be streamlined and a decree entered after 30 days if the couple meets certain criteria (no children, married for less than 8 years, marital debt less than \$8k, no real property, etc.). Otherwise, the respondent has 20 days to file an answer, and the court will wait another 20 days after that before entering a decree. If there are children involved, the custody process takes around 4 months on average.
- **SPOUSAL SUPPORT:** The court can order alimony as a lump payment or in installments, for periods of time as it sees fit, without regard to marital misconduct, and after considering all relevant factors including: (a) the financial resources of the party seeking maintenance; (b) training to enable the party seeking maintenance to find appropriate employment, and the probability, given the party's age and skills, of completing education or training and becoming fully or partially self-supporting; (c) the standard of living established during the marriage; (d) the duration of the marriage and, in the case of a homemaker, the length of absence from employment and the extent to which any education, skills, or experience have become outmoded and earning capacity has become permanently diminished; (e) the loss of earnings, seniority, retirement benefits, and other employment opportunities forgone by the spouse seeking spousal maintenance; (f) the age, and the physical and emotional condition of the spouse seeking maintenance; (g) the ability of the spouse from whom maintenance is sought to meet needs while meeting those of the spouse seeking maintenance; and (h) the contribution of each party in the acquisition, preservation, depreciation, or appreciation in the amount or value of the marital property, as well as the contribution of a spouse as a homemaker or in furtherance of the other party's employment or business.
- **CUSTODY:** The court will examine what is in "the best interests of the child" by considering and evaluating the following factors: (1) the wishes of the parents; (2) the reasonable preference of the child; (3) the child's primary caretaker; (4) the intimacy of the relationship between each parent and the child; (5) the interaction and interrelationship of the child with parents, siblings, and any other person who may significantly affect the child's best interests; (6) the child's adjustment to home, school, and community; (7) the length of time the child has lived in a stable, satisfactory environment and the desirability of maintaining continuity; (8) the permanence, as a family unit, of the existing or proposed custodial home; (9) the mental and physical health of all individuals involved; (10) the capacity and disposition of the parties to give the child love, affection, and guidance, and to continue educating and raising the child in the child's culture and religion or creed, if any; (11) the child's cultural background; (12) the effect on the child of the actions of an abuser; (13) except in cases in which a finding of domestic abuse, the disposition of each parent to encourage and permit frequent and continuing contact by the other parent with the child.
- **CHILD SUPPORT:** The state child support guidelines and calculator can be found at: <http://childsupportcalculator.dhs.state.mn.us/Calculator.aspx>

Mississippi

- **RESIDENCY:** One of the parties must have been a resident for at least 6 months immediately prior to filing. Case law has held that a naval officer who claimed his parents' residence in Mississippi as his permanent residence on his driver's license and military records was still a resident of the state even though he had been living at duty stations in different parts of the country where he had been ordered.
- **FILING:** Either party may file.
- **GROUND:** No Fault Based Grounds: 1) Irreconcilable differences. Fault Based Grounds: 1) Impotency; 2) Adultery; 3) Prison sentence; 4) Willful desertion for one year; 5) Habitual drunkenness; 6) Habitual use of opium, or other like drugs; 7) Habitual cruel and inhuman treatment; 8) Insanity at the time of marriage (if the complaining party didn't know of the insanity); 9) Marriage to someone else at the time of marriage; 10) Pregnancy of the wife by someone else at the time of marriage; 11) Incurable insanity for 3 years.
- **SEPARATION AGREEMENTS:** The court may incorporate separation agreements related to child custody and support, maintenance, and settlement of property rights into the divorce decree if it finds that the provisions are adequate and sufficient.
- **PROPERTY DIVISION:** Mississippi is traditionally a "title property" state. This means that each spouse will retain or be awarded all property that is in his or her name upon divorce. Mississippi has recently adopted the "equitable distribution" system of property division as well, and courts will consider the following factors in dividing non-marital property: Spouse's substantial contribution to the accumulation of property; 2) Degree to which a spouse has previously expended or disposed of any marital property; 3) Market and emotional value of the property in question; 4) Value of any non-marital or separate property; 5) Tax consequences of the division; 6) Extent to which property division may eliminate the need for alimony or any other future friction between the spouses; 7) Needs of each spouse.
- **TIMING:** The court will not hear the case for 60 days after the complaint has been filed.
- **SPOUSAL SUPPORT:** If the spouses can not agree on the issue of maintenance, the court make an award that it believes to be fair. The court will consider the following factors: 1) income and expenses of each spouse; 2) the spouse's health and medical condition; 3) the spouse's needs and debt obligations; 4) the custodial arrangement; 4) the ages of the spouses; 5) the standard of living during the marriage; 6) tax ramifications; 7) marital fault or misconduct; and 8) dissipation of assets.
- **CUSTODY:** The court can award joint physical and legal custody, or sole legal and physical custody, to both or either parent. If the parents agree on joint custody, there is a presumption that joint custody is in the best interest of the child. The court will consider the child's wishes if she is 12 years or older.

- **CHILD SUPPORT:** The custodial parent can receive child support until the child has reached the age of emancipation, which is 21. Mississippi uses the Percentage of Income Formula, where the amount is a percentage of the non-custodial parent's income depending on how many children are to receive the support.

Number of Children Due Support	Percentage of Adjusted Gross Income That Should Be Awarded For Support
One (1)	14%
Two (2)	20%
Three (3)	22%
Four (4)	24%
Five (5) or More	26%

<http://www.mdhs.state.ms.us/csemdhs.html>

Missouri: <http://www.selfrepresent.mo.gov/page.jsp?id=3832>

- **RESIDENCY:** One spouse must have been a resident of the state, or a member of the armed services who has been stationed in the state, for 90 days immediately preceding the commencement of the proceeding. Case law shows that military service members stationed outside the state on military orders with an intent to remain a Missouri resident meet the residency requirements.
- **FILING:** Either party may file.
- **GROUND:** No fault based grounds: 1) irretrievable breakdown of marriage. Fault based grounds: 1) adultery; 2) incompatibility; 3) six months' abandonment; 4) living apart by mutual consent for one year; 5) two years' living separate and apart.
- **SEPARATION AGREEMENTS:** The terms of the separation agreement, except terms providing for the custody, support, and visitation of children, are binding upon the court unless it finds that the separation agreement is unconscionable.
- **PROPERTY DIVISION:** Equitable distribution of marital property.
- **TIME:** 30 days must have elapsed since the filing of the petition before the dissolution of marriage will be granted. If one of the parties has denied under oath or affirmation that the marriage is irretrievably broken, the court may continue the matter for further hearing, which could take anywhere from 30 days to 6 months.
- **SPOUSAL SUPPORT:** The obligation of one spouse to support the other financially for a temporary or permanent basis is decided on a case-by-case basis as agreed to by the parties or at the court's discretion. The maintenance order may be modifiable or nonmodifiable, and may or may not include a termination date. The maintenance order shall be in such amounts and for such periods as the court deems just, after considering all relevant factors, including: 1) the financial resources of the party seeking maintenance; 2) the time necessary to acquire sufficient education or training to enable the party seeking maintenance to find appropriate employment; 3) the comparative earning capacity of each spouse; 4) the standard of living established during the marriage; 5) the obligations and assets, including the marital property apportioned to him and the separate property of each party; 6) the duration of the marriage; 7) the age, and the physical and emotional condition of the spouse seeking maintenance; 8) the ability of the spouse from whom maintenance is sought to meet his needs while meeting those of the spouse seeking maintenance; 9) the conduct of the parties during the marriage; and 10) Any other relevant factors.
- **CUSTODY:** The court looks for the best interest of the children. It will look at such factors as: 1) the wishes of the parents; 2) the needs of the child for a frequent, continuing and meaningful relationship with both parents and the ability and willingness of parents to actively perform their functions as mother and father for the needs of the child; (3) the interaction and interrelationship of the child with parents, siblings, and any other person who may significantly affect the child's best interests; (4) which parent is more likely to allow the child frequent, continuing and meaningful contact with the other parent; (5) the child's adjustment to the child's home, school, and community; (6) the mental and physical health of all individuals involved, including any history of abuse of any individuals involved; (7) the intention of either parent to relocate the principal residence of the child; and (8) the wishes of a child as to the child's custodian.
- **CHILD SUPPORT:**
<http://www.courts.mo.gov/file/Sched%20Basic%20Child%20Support%20Oblig%2007-01-05.pdf>

Montana: http://courts.mt.gov/library/topic/end_marriage.mcpX

- **RESIDENCY:** One of the parties must be domiciled in the state, or be stationed there in the military, for at least 90 days preceding the filing. According to the Commissioner's note, "Since the test is domicile, the party need not remain physically present throughout the 90 day period, so long as he has acquired no new domicile."
- **TYPES:** 1) Dissolution; 2) summary dissolution. Dissolution is the normal process that most people will go through when getting divorced. Summary dissolution is faster and only available to people who meet certain criteria (marital debt lower than \$8k, no real property, etc.).
- **FILING:** Either party may file.
- **GROUND:** Irretrievable breakdown, which is evidenced by: a) the parties having lived separate and apart for more than 180 days; or b) there is serious marital discord that adversely affects the attitude of one or both of the parties towards the marriage.
- **SEPARATION AGREEMENTS:** The terms of the separation agreement, except those providing for the support, parenting, and parental contact with children, are binding upon the court unless it finds that the separation agreement is unconscionable.
- **PROPERTY DIVISION:** Equitable distribution state. The court will take into account the following factors, without regard to marital misconduct, when distributing marital property: the duration of the marriage and prior marriage of either party; the age, health, station, occupation, amount and sources of income, vocational skills, employability, estate, liabilities, and needs of each of the parties; custodial provisions; whether the apportionment is in lieu of or in addition to maintenance; and the opportunity of each for future acquisition of capital assets and income. The court shall also consider the contribution or dissipation of value of the respective estates and the contribution of a spouse as a homemaker or to the family unit.
- **TIMING:** For summary dissolution, the court will hold a hearing 20 days after the papers have been filed. In all other cases, a decree will not be entered until 20 days after the service of the complaint. If the divorce is contested, the process will take longer.
- **SPOUSAL SUPPORT:** the court may grant a maintenance order for either spouse only if it finds that the spouse seeking maintenance: (a) lacks sufficient property to provide for his reasonable needs; and (b) is unable to support himself through appropriate employment or is the custodian of a child whose condition or circumstances make it appropriate that the custodian not be required to seek employment outside the home. The maintenance order shall be in such amounts and for such periods of time as the court deems just, without regard to marital misconduct, and after considering all relevant facts including: (a) the financial resources of the party seeking maintenance; (b) the time necessary to acquire sufficient education or training to enable the party seeking maintenance to find appropriate employment; (c) the standard of living established during the marriage; (d) the duration of the marriage; (e) the age and the physical and emotional condition of the spouse seeking maintenance; and (f) the ability of the spouse from whom maintenance is sought to meet his needs while meeting those of the spouse seeking maintenance.
- **CUSTODY:** The court shall determine the custody arrangement and parenting plan in accordance with the best interest of the child, taking into consideration all relevant factors: (a) the wishes of the child's parents; (b) the wishes of the child; (c) the interaction and interrelationship of the child with the child's parent or parents and siblings and with any other person who significantly affects the child's best interest; (d) the child's adjustment to home, school, and community; (e) the mental and physical health of all individuals involved; (f) physical abuse or threat of physical abuse by one parent against the other parent or the child; (g) chemical dependency, or chemical abuse on the part of either parent; (h) continuity and stability of care;

(i) developmental needs of the child; (j) whether a parent has knowingly failed to pay birth-related costs that the parent is able to pay; (k) whether a parent has knowingly failed to financially support a child that the parent is able to support; (l) whether the child has frequent and continuing contact with both parents; (m) adverse effects on the child resulting from continuous and vexatious parenting plan amendment actions.

- **CHILD SUPPORT:** The state guidelines and child support calculator can be found at:
<http://www.dphhs.mt.gov/csed/packet/guidelines.shtml>

Nebraska: <http://www.supremecourt.ne.gov/self-help/simple-divorce.shtml>

- **RESIDENCY:** The residency requirement can be met in two ways: 1) One of the parties must have been a resident of the state with an intention of making Nebraska her permanent home for at least 1 year prior to filing; 2) The parties were married in Nebraska and at least one party has resided in the state from the time she was married until the filing of the complaint. If a person was domiciled in the state for 1 year and then leaves the state, he is still considered a resident if he intends to return and does so within 18 months.
- **FILING:** Either party may file.
- **GROUND:** No fault based grounds: Irretrievable breakdown. Fault based grounds: evidence of mental illness and lack of ability to consent to dissolution of marriage (including temporary incapacity caused by drug and alcohol use)
- **SEPARATION AGREEMENTS:** The agreement terms, except those providing for the support and custody of minor children, will be binding upon the court unless it finds that the agreement is unconscionable.
- **PROPERTY DIVISION:** Equitable distribution. Both parties will retain the property they had before the marriage, and the rest will be divided equitably by the court after considering: (1) the circumstances of the parties; (2) the duration of the marriage; (3) the history of contributions to the marriage, including contributions to the care and education of the children, and interruption of personal careers or educational opportunities; and (4) the ability of the supported party to engage in gainful employment without interfering with the interests of any minor children in the custody of such party.
- **TIMING:** The court will not hear the case until 60 days have passed from the complaint being served. A decree can be entered at any time after that.
- **SPOUSAL SUPPORT:** The court may order payment of such alimony by one party to the other and division of property as may be reasonable, having regard for: 1) the circumstances of the parties; 2) duration of the marriage; 3) a history of the contributions to the marriage by each party, including contributions to the care and education of the children, and interruption of personal careers or educational opportunities; and 4) the ability of the supported party to engage in gainful employment without interfering with the interests of any minor children in the custody of such party.
- **CUSTODY:** In determining legal custody or physical custody, the court shall not give preference to either parent based on the sex of the parent and no presumption shall exist that either parent is more fit or suitable than the other. Custody shall be determined on the basis of the best interests of the child, as defined in the Parenting Act. Custody of a minor child may be placed with both parents on a joint legal custody or joint physical custody basis, or both, (a) when both parents agree to such an arrangement in the parenting plan and the court determines that such an arrangement is in the best interests of the child or (b) if the court specifically finds, after a hearing in open court, that joint physical custody or joint legal custody, or both, is in the best interests of the minor child regardless of any parental agreement or consent.
- **MILITARY SPECIFIC:** A party's absence, relocation, or failure to comply with custody, parenting time, visitation, or other access orders shall not, by itself, be sufficient to justify a modification of an order if the reason for the absence, relocation, or failure to comply is the party's activation to military service and deployment out of state.
- **CHILD SUPPORT:** The state guidelines and child support calculator can be found at: <http://www.supremecourt.ne.gov/forms/supreme-court-child-support-forms.shtml>

Nevada: http://www.clarkcountycourts.us/shc/Divorce/self_help_choose.htm

- **RESIDENCY:** The complaint can be filed in any county where the cause for divorce occurred, if the parties were residing there at the time, any county where the plaintiff or defendant resides, or the county in which the parties last cohabitated. Unless the cause for divorce occurred in the county while the parties resided there, one of the parties must have been a resident of the state for at least 6 weeks preceding the complaint. “Residence” means actual physical residence, and not just legal residence or domicile.
- **TYPES:** Couples who are eligible can go through the Summary Proceeding for Divorce, which will expedite their case and eliminates the requirement to appear in court. Only parties who have no minor children, have been separated for 1 year, have no marital property for the court to divide, and have waived all rights to spousal support can use this process.
- **FILING:** Either party may file.
- **GROUND:** No Fault Based Grounds: 1) Incompatibility; 2) The spouses have lived separate and apart for 1 year without cohabitation. Fault Based Grounds: 1) Insanity for at least 2 years.
- **SEPARATION AGREEMENTS:** A separation agreement is an enforceable contract and may be merged into the divorce decree if the court so chooses.
- **PROPERTY DIVISION:** Community Property state. Community property is all property that was acquired during the marriage. This property will be divided equally (50-50) by the court if the parties are not able to come to an agreement. In granting a divorce, the court shall dispose of any property held in joint tenancy (community property). If a party has made a contribution of separate property to the acquisition or improvement of property held in joint tenancy, the court may provide for the reimbursement of that party for his or her contribution. The amount of reimbursement must not exceed the amount of the contribution of separate property that can be traced to the acquisition or improvement of property held in joint tenancy, without interest or any adjustment because of an increase in the value of the property held in joint tenancy. In determining whether to provide for the reimbursement, in whole or in part, of a party who has contributed separate property, the court shall consider: (a) The intention of the parties in placing the property in joint tenancy; (b) The length of the marriage; and (c) Any other factor which the court deems relevant in making a just and equitable disposition of that property.
- **TIMING:** In a Summary Proceeding for Divorce, the divorce can be finalized as soon as two weeks after the paperwork is filed. In all other proceedings, there is no requisite waiting period but the parties must appear before the court for a trial.
- **SPOUSAL SUPPORT:** The court may award alimony to either party, in one lump sum or in periodic payments, as the court determines to be just and equitable. The court shall consider: (a) The financial condition of each spouse; (b) The nature and value of the respective property of each spouse; (c) The contribution of each spouse to any property held by the spouses; (d) The duration of the marriage; (e) The income, earning capacity, age and health of each spouse; (f) The standard of living during the marriage; (g) The career before the marriage of the spouse who would receive the alimony; (h) The existence of specialized education or training or the level of marketable skills attained by each spouse during the marriage; (i) The contribution of either spouse as homemaker; (j) The award of property granted by the court in the divorce, other than child support and alimony, to the spouse who would receive the alimony; and (k) The physical and mental condition of each party as it relates to the financial condition, health and ability to work of that spouse.
- **CUSTODY:** In determining custody of a minor child, the sole consideration of the court is the best interest of the child. If it appears to the court that joint custody would be in the best interest of the child, the court

may grant custody to the parties jointly. Preference will not be given to either parent for the sole reason that the parent is the mother or the father of the child. The court shall award custody in the following order of preference unless in a particular case the best interest of the child requires otherwise: (a) To both parents jointly or to either parent. (b) To a person or persons in whose home the child has been living and where the child has had a wholesome and stable environment. (c) To any person related within the third degree of consanguinity to the child whom the court finds suitable and able to provide proper care and guidance for the child, regardless of whether the relative resides within this state. (d) To any other person or persons whom the court finds suitable and able to provide proper care and guidance for the child.

- **CHILD SUPPORT:** If the parents cannot agree on a reasonable monthly child support obligation, the court will use the Percentage of Income formula to determine child support. The guidelines are as follows:
(1) For one child, 18 percent of the non-custodial parent's gross monthly income; (2) For two children, 25 percent; (3) For three children, 29 percent; (4) For four children, 31 percent; and (5) For each additional child, an additional 2 percent.

New Hampshire: http://www.courts.state.nh.us/fdpp/divorce_petition.htm

- **RESIDENCY:** The residency requirement can be met in multiple ways: 1) Both parties were domiciled in the state when the complaint was filed; 2) the plaintiff was domiciled in the state and the defendant was personally served with process in the state; 3) the plaintiff was domiciled in the state for at least 1 year preceding the filing. In any of these cases, the cause of divorce must have arisen while the plaintiff was domiciled in the state.
- **TYPES:** 1) Absolute divorce; 2) Limited divorce. A limited divorce is the term New Hampshire uses for “legal separation.” It has the same effects as a divorce, but the parties are not free to remarry.
- **FILING:** The spouse who has been a resident for at least 1 year must file.
- **GROUND:** No fault based grounds: irreconcilable differences. Fault based grounds: 1) impotency; 2) adultery; 3) extreme cruelty; 4) felony conviction; 5) habitual drunkenness; 6) abandonment for two years; 7) 2 years’ absence without being heard from; 8) serious injury to health caused by one party; 9) if one party has joined a religious sect or society which professes to believe the relation of husband and wife unlawful, and has refused to cohabit with the other for 6 months together.
- **SEPARATION AGREEMENTS:** Separation agreements relating to alimony, custody and child support may be considered by the court but are not binding. Property settlements, however, are binding and may not be modified by the court due to changed circumstances.
- **PROPERTY DIVISION:** Equitable distribution. The court will presume that equal division of property is equitable, with “property” being all tangible and intangible property and assets, including employment and retirement benefits, as well as all military retirement and veterans’ disability benefits.
- **TIME:** There is no mandatory waiting period for a divorce decree to be entered by the court.
- **SPOUSAL SUPPORT:** The court can order alimony for either party, either temporarily or permanent, and for a definite or indefinite period of time. The court must find that (a) The party in need lacks sufficient income, property, or both, to provide for such party’s reasonable needs, taking into account the style of living to which the parties have become accustomed during the marriage; and (b) The party from whom alimony is sought is able to meet reasonable needs while meeting those of the party seeking alimony, taking into account the style of living to which the parties have become accustomed during the marriage; and (c) The party in need is unable to be self-supporting through appropriate employment at a standard of living that meets reasonable needs or is allocated parental rights and for a child of the parties whose condition or circumstances make it appropriate that the parent not seek employment outside the home.
- **CUSTODY:** In determining parental rights and responsibilities, the court shall be guided by the best interests of the child, and shall consider the following factors: (a) The relationship of the child with each parent and the ability of each parent to provide the child with nurture, love, affection, and guidance. (b) The ability of each parent to assure that the child receives adequate food, clothing, shelter, medical care, and a safe environment. (c) The child’s developmental needs and the

ability of each parent to meet them, both in the present and in the future. (d) The quality of the child's adjustment to the child's school and community and the potential effect of any change. (e) The ability and disposition of each parent to foster a positive relationship and frequent and continuing physical, written, and telephonic contact with the other parent, except where contact will result in harm to the child or to a parent. (f) The support of each parent for the child's contact with the other parent as shown by allowing and promoting such contact. (g) The support of each parent for the child's relationship with the other parent. (h) The relationship of the child with any other person who may significantly affect the child. (i) The ability of the parents to communicate, cooperate with each other, and make joint decisions concerning the children. (j) Any evidence of abuse, and the impact of the abuse on the child and on the relationship between the child and the abusing parent. (k) If a parent is incarcerated, the reason for and the length of the incarceration, and any unique issues that arise as a result of incarceration. (l) Any other additional factors the court deems relevant.

- **CHILD SUPPORT:** The state child support calculator can be found at:
<http://www.dhhs.nh.gov/dcsc/calculator.htm>

New Jersey: <http://www.lsnjlaw.org/english/family/divorce/>

- **RESIDENCY:** One of the parties must be a resident of the state. Case law says that for the purposes of divorce, “residence” has the same meaning as “domicile”: presence with intent to remain. Unless the ground for divorce is adultery, the resident party must have been domiciled in New Jersey for at least 1 year preceding the filing of the complaint.
- **TYPES:** “Divorce from bed and board” is New Jersey’s term for a legal separation.
- **FILING:** Either party may file.
- **GROUND:** No fault based grounds: 1) living separate and apart for at least 18 or more months; 2) irreconcilable differences for a period of 6 months. Fault based grounds: 1) adultery; 2) willful desertion for more than 12 months; 3) extreme cruelty; 4) addiction to drugs or alcohol; 5) institutionalization for mental illness for more than 24 months; 6) deviant sexual conduct involuntarily performed on the plaintiff by the defendant.
- **SEPARATION AGREEMENTS:** A court will enforce the provisions of the separation agreement relating to property and alimony in the final decree unless it finds that the agreement is unconscionable, or made under fraud or duress. Courts are usually more lenient in cases where a wife has signed a separation agreement; they are more willing to set aside the provisions of the agreement if the wife has not been represented by an attorney.
- **PROPERTY DIVISION:** Equitable distribution state.
- **TIMING:** There is no required waiting period before a decree can be entered, but the court will not enter a final judgment until the court holds a hearing.
- **SPOUSAL SUPPORT:** The court may award permanent alimony; rehabilitative alimony; limited duration alimony or reimbursement alimony to either party. In determining the amount of alimony, the court will consider the following factors: (1) the actual need and ability of the parties to pay; (2) the duration of the marriage; (3) the age, physical and emotional health of the parties; (4) the standard of living established in the marriage; (5) the earning capacities, educational levels, vocational skills, and employability of the parties; (6) the length of absence from the job market of the party seeking maintenance; (7) the parental responsibilities for the children; (8) the time and expense necessary to acquire sufficient education or training to enable the party seeking maintenance to find appropriate employment; (9) the history of the financial or non-financial contributions to the marriage by each party; (10) the equitable distribution of property ordered and any payouts on equitable distribution, directly or indirectly, out of current income, to the extent this consideration is reasonable, just and fair; (11) the income available to either party through investment of any assets held by that party; (12) the tax treatment and consequences to both parties of any alimony award, including the designation of all or a portion of the payment as a non-taxable payment
- **CUSTODY:** The court can award sole or joint legal or physical custody, in accordance with the best interests of the child. The court will consider: (1) the emotional and physical environment; (2) the personal safety of the child; (3) moral atmosphere of the household; (4) the mental and physical health of the parents; (5) the age of the children; (6) preference of the child; (7) the prior behavior of the parents, including any history of abuse; (8) the ability of each parent to care for the child; (9) and the importance of religious upbringing within the family.
- **CHILD SUPPORT:** New Jersey uses the “Income Shares” Model to determine child support. The state guidelines and calculator can be found at: <http://www.judiciary.state.nj.us/csguide/index.htm>

New Mexico: http://www.nmcourts.gov/cgi/prose_lib/index.htm

- **RESIDENCY:** Either party must have resided in the state for at least 6 months immediately prior to the date of filing, and have domicile in New Mexico which is defined as: (a) physical presence in the state and a place of residence in the state, and (b) a good faith intention to remain in the state indefinitely. Any person who resided in New Mexico for the requisite time period prior to his or his spouse's entry into the military, and has an intent to return and reside in New Mexico indefinitely, shall be deemed to have domicile for the purposes of divorce, even if he is stationed outside of New Mexico or living with his spouse who is stationed outside of New Mexico.
- **FILING:** Either party may file.
- **GROUND:** No Fault Based Grounds: Incompatibility. Fault Based Grounds: 1) Cruel and inhuman treatment; 2) Adultery; 3) Abandonment.
- **SEPARATION AGREEMENTS:** The court will merge the separation agreement into the divorce decree, but still has the ability to modify any agreement related to child custody, maintenance, and education.
- **PROPERTY DIVISION:** Community property state. The court will divide all property that was acquired by either or both spouses during the marriage which is not separate property. Each spouse will retain his or her separate property.
- **TIMING:** There is no statutorily required waiting period before a court can enter a final decree.
- **SPOUSAL SUPPORT:** The court may allow either party such a reasonable portion of the spouse's property or such a reasonable sum of money to be paid by either spouse either in a single sum or in installments, as spousal support as under the circumstances of the case may seem just and proper. When determining the amount of alimony, the court will consider: (1) the age and health of and the means of support for the respective spouses; (2) the current and future earnings and the earning capacity of the respective spouses; (3) the good-faith efforts of the respective spouses to maintain employment or to become self-supporting; (4) the reasonable needs of the respective spouses; (5) the duration of the marriage; (6) the amount of the property awarded or confirmed to the respective spouses; (7) the type and nature of the respective spouses' assets; (8) the type and nature of the respective spouses' liabilities; (9) income produced by property owned by the respective spouses; and (10) agreements entered into by the spouses in contemplation of the dissolution of marriage or legal separation.
- **CUSTODY:** The court will determine custody in accordance with the best interest of the child. There is no presumption in favor of joint custody and no presumption favoring one parent over the other because of gender. The court will consider the following: (1) the wishes of the parents; (2) the wishes of the child; (3) the interaction and interrelationship of the child with his parents, his siblings and any other person who may significantly affect the child's best interest; (4) the child's adjustment to his home, school and community; and (5) the mental and physical health of all individuals involved.
- **CHILD SUPPORT:** The state child support schedule can be found at: http://www.hsd.state.nm.us/csed/files/basic_child_support_schedule.pdf

New York: <http://www.courts.state.ny.us/divorce/index.shtml>

- **RESIDENCY:** If the parties were married in the state, resided in the state as husband and wife, or the cause for divorce occurred in the state, one of them must have been a resident of the state for at least one year immediately preceding the complaint. Otherwise, one of the parties must have been a resident of the state for at least two years immediately preceding the complaint. Case law says that “Since change of domicile must be intentionally and freely made, entrance into the armed forces or transfers of residence while in military service do not usually constitute changes of domicile so that the domicile of someone in military service does not change to the place where he is stationed, nor does it shift every time the person is transferred to another base.”
- **FILING:** Either party may file.
- **GROUND:** **No Fault Based Grounds:** Separation (by decree or agreement) for at least one year OR Irretrievable Breakdown in Relationship for at Least 6 months. **Fault Based Grounds:** 1) Cruel and inhuman treatment; 2) Abandonment for at least one year; 3) Prison confinement for 3 or more years; 4) Adultery.
- **SEPARATION AGREEMENTS:** If the agreement is signed and in writing, it is valid and enforceable in an action for divorce.
- **PROPERTY DIVISION:** Equitable distribution. In determining an equitable disposition of property, the court shall consider: (1) the income and property of each party; (2) the duration of the marriage and the age and health of both parties; (3) the need of a custodial parent to occupy or own the marital residence and to use or own its household effects; (4) the loss of inheritance and pension rights upon dissolution of the marriage as of the date of dissolution; (5) any award of maintenance under subdivision six of this part; (6) any equitable claim to, interest in, or direct or indirect contribution made to the acquisition of such marital property by the party not having title; (7) the liquid or non-liquid character of all marital property; (8) the probable future financial circumstances of each party; (9) the impossibility or difficulty of evaluating any component asset or any interest in a business, corporation or profession, and the economic desirability of retaining such asset or interest intact and free from any claim or interference by the other party; (10) the tax consequences to each party; (11) the wasteful dissipation of assets by either spouse; (12) any transfer or encumbrance made in contemplation of a matrimonial action without fair consideration; (13) any other factor which the court shall expressly find to be just and proper.
- **TIMING:** There is no statutorily required waiting period before a decree may be entered, as long as the parties in a no fault divorce meet the requisite one year separation period. Contested divorces generally take quite a while to be heard and adjudicated.
- **SPOUSAL SUPPORT:** The court may order alimony, temporary maintenance or maintenance in such amount as justice requires, having regard for the standard of living of the parties established during the marriage, whether the party in whose favor maintenance is granted lacks sufficient property and income to provide for his or her reasonable needs and whether the other party has sufficient property or income to provide for the reasonable needs of the other and the circumstances of the case and of the respective parties.
- **CUSTODY:** The court shall enter orders for custody and support as, in the court's discretion, justice requires, having regard to the circumstances of the case and of the respective parties and to the best interests of the child.
- **CHILD SUPPORT:** The state child support calculator can be found at: https://newyorkchildsupport.com/child_support_standards.html

North Carolina

- **RESIDENCY:** One of the parties must have been a resident of the state for at least six months immediately prior to filing the complaint. Case law says that the residence, which has the same meaning as “domicile,” of a soldier or sailor “generally remains unchanged, domicile being neither gained nor lost by being temporarily stationed in the line of duty at a particular place, even for a period of years. A new domicile may, however, be acquired if both the fact and the intent concur.”
- **TYPES:** 1) Absolute divorce; 2) Divorce from bed and board (this is the equivalent to a legal separation).
- **FILING:** Either party may file.
- **GROUND:** 1) Incurable insanity for a period of 3 years; 2) the parties have lived separate and apart for at least 1 year. A divorce from bed and board may be granted for the following reasons: 1) Abandonment; 2) Maliciously turning the other out of doors; 3) Cruel or barbarous treatment endangering the life of the other; 4) Excessive use of drugs or alcohol; 5) Adultery; 6) One party offers such indignities to the other as to render his or her condition intolerable and life burdensome.
- **SEPARATION AGREEMENTS:** If the agreement is signed by both parties and notarized, it is binding on the court in a divorce proceeding, except the provisions regarding child custody, support and visitation.
- **PROPERTY DIVISION:** Equitable distribution.
- **TIME:** A final decree will not be entered until the hearing, which takes place no earlier than 30 days after service of the complaint has been made.
- **SPOUSAL SUPPORT:** The court shall award alimony to the dependent spouse if an award of alimony is equitable after considering all relevant factors. If the court finds that the dependent spouse participated in an act of illicit sexual behavior during the marriage and prior to or on the date of separation, the court shall not award alimony. If the court finds that the supporting spouse participated in an act of illicit sexual behavior during the marriage and prior to or on the date of separation, then the court shall order that alimony be paid to a dependent spouse. If the court finds that both spouses participated in an act of illicit sexual behavior during the marriage and prior to or on the date of separation, then alimony shall be denied or awarded in the discretion of the court after consideration of all of the circumstances. Any act of illicit sexual behavior by either party that has been condoned by the other party shall not be considered by the court.
- **CUSTODY:** The court will grant custody of the child to such person, agency, organization or institution as will best promote the interest and welfare of the child. In making the determination, the court shall consider all relevant factors including acts of domestic violence between the parties, the safety of the child, and the safety of either party from domestic violence by the other party and shall make findings accordingly. Between the mother and father, whether natural or adoptive, no presumption shall apply as to who will better promote the interest and welfare of the child. Joint custody to the parents shall be considered upon the request of either parent.
- **MILITARY SPECIFIC:** If the custodial parent receives temporary duty, deployment, or mobilization orders from the military that have a material effect on her ability to exercise custodial responsibilities, any temporary custody order shall end no later than 10 days upon the parent’s return, and the temporary duty, deployment, or mobilization shall not be a factor in a determination of change of circumstances if a motion is filed to transfer custody from the service member.
- **CHILD SUPPORT:** The state child support guidelines can be found at:
<http://www.nccourts.org/Forms/Documents/1226.pdf>

North Dakota: <http://www.ndcourts.com/court/forms/Divorce/forms.htm>

- **RESIDENCY:** The plaintiff must have been a resident of the state for at least 6 months prior to filing the complaint. “Residence” has the same meaning as “domicile,” and does not change until a new domicile is required.
- **FILING:** Only the resident party may file.
- **GROUND:** No Fault Based Grounds: 1) Irreconcilable differences. Fault Based Grounds: 1) Adultery; 2) Extreme Cruelty; 3) Willful desertion for one year; 4) Willful neglect for one year; 5) Abuse of alcohol or controlled substances for one year; 6) Conviction of felony.
- **SEPARATION AGREEMENTS:** A separation agreement is enforceable and binding on the court in a divorce proceeding, unless the court finds the agreement unconscionable.
- **PROPERTY DIVISION:** Equitable distribution.
- **TIME:** There is no statutorily required waiting period before a decree may be entered.
- **SPOUSAL SUPPORT:** Taking into consideration the circumstances of the parties, the court may require one party to pay spousal support to the other party for any period of time. Alimony payments may cease when the dependent party remarries or cohabitates with another.
- **CUSTODY:** The court will determine custody in accordance with the best interests of the child. The factors are: (a) The love, affection, and other emotional ties existing between the parents and child. (b) The capacity and disposition of the parents to give the child love, affection, and guidance and to continue the education of the child. (c) The disposition of the parents to provide the child with food, clothing, medical care, and other material needs. (d) The length of time the child has lived in a stable satisfactory environment and the desirability of maintaining continuity. (e) The permanence, as a family unit, of the existing or proposed custodial home. (f) The moral fitness of the parents. (g) The mental and physical health of the parents. (h) The home, school, and community record of the child. (i) The reasonable preference of the child. (j) Evidence of domestic violence. (k) The interaction and interrelationship of the child with any person who resides in, is present, or frequents the household of a parent. (l) The making of false allegations not made in good faith, by one parent against the other, of harm to a child. (m) Any other factors considered by the court to be relevant to a particular child custody dispute.
- **CHILD SUPPORT:** The state child support calculator can be found at: <http://www.ndcourts.com/chldspt/>

Ohio

- **RESIDENCY:** The plaintiff must have been a resident of the state for 6 months prior to the action being brought. Case law says that if a person is domiciled in Ohio prior to his enlistment in the military which causes him to be stationed or deployed out of state, he is still an Ohio resident unless he voluntarily adopted a new domiciliary residence.
- **FILING:** The resident spouse must file.
- **GROUND:** No Fault Based Grounds: 1) Incompatibility; 2) Parties have lived separate and apart for one year. Fault Based Grounds: 1) Adultery; 2) Extreme cruelty; 3) Either party had a husband or wife at the time of marriage; 4) Willful absence for one year; 5) Fraudulent contract; 6) Gross neglect of duty; 7) Habitual drunkenness; 8) Imprisonment; 9) Procurement of a divorce outside this state, by a husband or wife, by virtue of which the party who procured it is released from the obligations of the marriage, while those obligations remain binding upon the other party.
- **SEPARATION AGREEMENTS:** The terms of the separation agreement are binding on the court unless a provision in the agreement allows the court to modify any of the terms.
- **PROPERTY DIVISION:** Equitable distribution.
- **TIMING:** In a dissolution proceeding (where the divorce is uncontested), a hearing shall be held between 30 and 90 days after the petition has been filed. The court can enter the final decree at the hearing if both spouses are present.
- **SPOUSAL SUPPORT:** In determining whether spousal support is appropriate and reasonable, and in determining the nature, amount, and terms of payment, and duration of spousal support, which is payable either in gross or in installments, the court shall consider all of the following factors: (a) The income of the parties; (b) The relative earning abilities of the parties; (c) The ages and the physical, mental, and emotional conditions of the parties; (d) The retirement benefits of the parties; (e) The duration of the marriage; (f) The extent to which it would be inappropriate for a party to seek employment outside the home; (g) The standard of living of the parties established during the marriage; (h) The relative extent of education of the parties; (i) The relative assets and liabilities of the parties; (j) The contribution of each party to the education, training, or earning ability of the other party; (k) The time and expense necessary for the spouse who is seeking spousal support to acquire education, training, or job experience; (l) The tax consequences for each party; (m) The lost income production capacity of either party that resulted from that party's marital responsibilities; (n) Any other factor that the court expressly finds to be relevant and equitable.
- **CUSTODY:** The court will determine custody in accordance with the best interests of the child. In determining the best interest of a child, the court shall consider all relevant factors, including, but not limited to: (a) The wishes of the child's parents; (b) the wishes and concerns of the child, as expressed to the court; (c) The child's interaction and interrelationship with parents, siblings, and any other person who may significantly affect the child's best interest; (d) The child's adjustment to the child's home, school, and community; (e) The mental and physical health of all persons involved in the situation; (f) The parent more likely to honor and facilitate court-approved parenting time rights or visitation and companionship rights; (g) Whether either parent has failed to make all child support payments; (h) any history of abuse or neglect; (i) Whether the residential parent or one of the parents subject to a shared parenting decree has continuously and willfully denied the other parent's right to parenting time in accordance with an order of the court; (j) Whether either parent has or is planning to establish a residence outside of Ohio.
- **CHILD SUPPORT:** The state child support calculator can be found at:
<http://www.alllaw.com/calculators/Childsupport/ohio/>

Oklahoma

- **RESIDENCY:** One spouse must live in the state for 6 months before eligible to file for divorce.
- **FILING:** either party can file for absolute divorce
- **GROUND:** 1) Incompatibility (no fault ground); 2) Abandonment for at least 1 year; 3) Adultery; 4) Impotence; 5) Wife pregnant with another man's baby without the husband knowing it at the time of the marriage; 6) Extreme cruelty; 7) Fraud; 8) Habitual drunkenness; 9) Gross neglect of duty; 10) imprisonment and Felony Conviction; and 11) Insanity for a period of at least 5 years.
- **SEPARATION AGREEMENTS:** statutorily authorized for use in simplified divorce proceedings[Oklahoma Statutes Annotated; Title 43, Section 205]
- **PROPERTY DIVISION:** equitable distribution
- **MILITARY SPECIFIC:** The active duty spouse must be personally served with a summons and a copy of the divorce action in order for an Oklahoma court to have jurisdiction over the active military member. In an uncontested case, the active duty spouse may not have to be served as long as he or she signs and files a waiver affidavit acknowledging the divorce action.
- **TIME:** If both parties are in agreement to the divorce and there are no children, a divorce may be granted 10 days after the filing of the petition. It is necessary for your spouse to execute a waiver which will include a waiver of process. In a divorce where there are minor children involved, there is a 90-day waiting period from the date of service of the summons, the first date of publication or an entry of appearance by the defendant, whichever occurs first. The 90-day waiting period may be waived under certain circumstances. If your spouse hires an attorney and contests the action, the case could take longer than 90 days.
- **ALIMONY:** The court can order alimony to either party. Alimony may be in the form of property or money. If money is awarded, it may be made payable in a lump sum or in installments. The court will not consider marital fault when awarding alimony. Also, temporary alimony may be ordered while the divorce is pending.
- **CUSTODY:** The court may order joint or sole child custody based on the best interests of the child and a consideration of the preference of the child. There is no presumption for or against joint or sole custody.
- **CHILD SUPPORT:** In Oklahoma, there are official child support guidelines for use in determining the proper amount of child support. The amount shown in the guidelines is presumed to be correct unless it is shown to be unjust, unreasonable, inappropriate or inequitable.
- **CHILD SUPPORT:** The state child support calculator can be found at:
<http://www.okdhs.org/online services/cscal/>

Oregon

- **RESIDENCY:** (1) If the marriage occurred in Oregon, at least one party must be a resident of or domiciled in Oregon at the time the suit commences; (2) if the marriage occurred outside of Oregon, at least one party must be a resident of or be domiciled in Oregon for a continuously period of at least 6 months at the time of the suit commences. Case law says “Residency” is used interchangeably with “Inhabitancy,” and both are construed to mean “domicile”.
- **TYPES:** Summary dissolution, if (1) no minor children, or no children over 18 attending school, (2) marriage not more than 10 years, (3) neither party has real property interest, (4) no unpaid obligations more than \$15,000 incurred by either or both parties from the marriage date, (6) total fair market value of personal property assets of either party is less than \$30,000, (7) petitioner waives right to spousal support, (8) petitioner waives right to *pendente lite*, and (9) petitioner knows of no other pending domestic relations suits involving the marriage.
- **FILING:** Only a spouse who is a resident of Oregon can file.
- **GROUND:** (1) either party was incapable of making such a contract or consenting because of age or insufficient understanding; (2) consent of either party obtained by force or fraud; (3) Irreconcilable differences (no fault based)
- **MILITARY SPECIFIC**
- **SEPARATION AGREEMENTS:** Laws concerning separations do not affect laws related to granting a divorce. A divorce doesn’t affect an award of support or maintenance of a separation judgment.
- **PROPERTY DIVISION:** Equitable distribution. A retirement plan or pension or an interest is considered property. The court considers contribution of a spouse as homemaker as a contribution to marital assets.
- **TIME:** No hearing until 90 days after service to the respondent or first publication of the summons. The court may dissolve the marriage before 90 days if there is a written motion stating grounds of emergency or necessity with supporting facts.
- **SPOUSAL SUPPORT:** Decided on a case-by-case basis. Factors considered for Traditional Spousal Support (for education and training to reenter work force) include: (1) duration of marriage, (2) party’s training and employment skills, (3) party’s work experience, (4) financial needs and resources of each party, (5) tax consequences to each party, (6) party’s custodial and child support responsibilities, and (7) other factors of equitability. Factors considered for Compensatory Spousal Support (where one party made a significant financial or other contribution to the other’s earning capacity) include: (1) amount, duration, and nature of contribution, (2) duration of marriage, (3) relative earning capacity of the parties, (4) extent marital estate has already benefited from the contribution, (5) tax consequences to each party, and (6) other factors of equitability. Factors considered for Spousal Maintenance include: (1) duration of marriage, (2) age of the parties, (3) health of the parties, (4) standard of living during marriage, (5) relative income and earning capacity of the parties, (6) party’s training and employment skills, (7) party’s work experience, (8) financial needs and resources of each, (9) tax consequences to each, (10) party’s custodial and child support responsibilities, and (11) any other factors of equitability.
- **CUSTODY:** Custody determined by best interest of the child, even where there is a parental contract. Factors include: (1) emotional ties between child and other family members, (2) interest of the parties in and attitude toward the child, (3) desirability of continuing an existing relationship, (4) abuse of one parent by the other, (5) preference of the primary caregiver of the child (if caregiver is deemed fit), and (6) willingness and ability of each parent to facilitate and encourage a close and continuing relationship between the other

parent and the child (unless one parent has been abusive toward the other parent or a child). The court considers the conduct, marital status, income, social environment or lifestyle of either party only if it may cause emotional or physical damage to the child. No preference given to mother or father simply because she/he is the mother or father. Case law indicates that custody may be awarded to a non-biological parent if the ties are strong enough.

- **CHILD SUPPORT:** Factors considered include: (1) opportunity each parent has to borrow funds, (2) earning capacity of each parent, (3) income history of each parent, (4) overall needs of the child, (5) needs of any other dependents, and (6) other relevant factors. The state child support calculator can be found at: <http://dcs.state.or.us/calculator/effective/>

Pennsylvania

- **RESIDENCY:** At least one spouse must be a resident of Pennsylvania for the 6 months immediately before filing.
- **FILING:** Either spouse may file if at least one is a Pennsylvania resident.
- **GROUND:** Fault based grounds: (1) willful and malicious desertion for one or more years; (2) adultery; (3) cruel and barbarous treatment (endangered life or health of spouse); (4) knowingly committed bigamy; (5) prison sentence for two or more years; (6) “indignities” that make the spouse’s condition intolerable and life burdensome. No fault based grounds: (1) institutionalization (for at least 18 months immediately before divorce proceedings); (2) mutual consent (90 days must lapse from when the action commences and supported by an affidavit from each party); (3) irretrievable breakdown (90 days must lapse from when the action commences and supported by an affidavit allegedly that the parties have lived separately for two years). Filing on grounds of either mutual consent or irretrievable breakdown does not require a hearing. The court may require a maximum of three counseling sessions if either party requests it.
- **MILITARY SPECIFIC:** Regarding property division, veterans’ benefits are exempt from attachment, levy, or seizure.
- **SEPARATION AGREEMENTS:** Separation agreements may be incorporated into the divorce according to the will of the parties or the court’s discretion.
- **PROPERTY DIVISION:** Equitable division of property. Factors include: (1) length of marriage; (2) any prior marriage of either party; (3) age, health, station, amount and sources of income, vocational skills, employability, estate, liabilities and needs of each party; (4) contribution by one party to the education, training, or increased earning power of the other party; (5) opportunity of each party for future acquisitions of assets and income; (6) sources of incomes; (7) contribution of each party to marital property (including homemaker’s contribution); (8) value of property set apart to each party; (9) standard of living of parties during marriage; and (10) economic circumstances of each party at the time the division is to be effective.
- **TIME:** If the grounds are mutual consent or irretrievable breakdown, 90 days must lapse from when the action commences.
- **SPOUSAL SUPPORT:** Factors include: (1) earnings and earning capacities; (2) ages and physical, mental, and emotional conditions; (3) sources of income; (4) expectancies and inheritances; (5) duration of the marriage; (6) contribution by one party to the education, training, or increased earning power of the other party; (7) extent to which a party’s financial situation will be affected by reason of serving as the custodian of a minor child; (8) standard of living during marriage; (9) education and the time necessary to acquire sufficient education or training to enable the party seeking alimony to find appropriate employment; (10) relative assets and liabilities; (11) property brought to the marriage; (12) contributions as a homemaker; (13) needs; (14) marital misconduct during the marriage (misconduct (except abuse) after date of final separation not considered for alimony); (15) tax ramifications; (16) seeking party’s ability to provide for his or her reasonable needs; (17) seeking party’s capability of self-support through appropriate employment.
- **CUSTODY:** The court considers the preference of the child and other factors that impact the child’s well-being. It considers which parent is more likely to encourage, permit, and allow contact with the noncustodial parent, and any history of violence or abuse. It considers the criminal past of a parent and will not award custody to a parent convicted of murder unless the child is of a suitable age and consents.
- **CHILD SUPPORT:** Child support awarded according to state guidelines, which emphasize parties’ net incomes and earning capacities. https://www.humanservices.state.pa.us/cswws/home_controller.aspx

Puerto Rico

- **RESIDENCY:** Plaintiff must reside in Puerto Rico for one year before filing. If Plaintiff has not resided in Puerto Rico for one year, he can obtain a divorce if the act(s) related to the grounds for divorce were committed in Puerto Rico or when one of the spouses resides there. Case law suggests “residence” and “domicile” are interchangeable in the statute. Case law defines “residence” as the place where a person dwells or resides temporarily, whether it is a result of work, studies, or pleasure.
- **FILING:** Either party may file as long as one spouse has resided in Puerto Rico for more than one year or the act(s) on which the grounds for divorce are based occurred in Puerto Rico.
- **GROUND:** (1) adultery of either party; (2) imprisonment of either spouse for a felony; (3) habitual drunkenness or excessive use of opium, morphine, or another narcotic; (4) cruel treatment or grave injury; (5) abandonment for more than one year; (6) absolute, perpetual, and incurable impotency occurring after marriage; (7) attempt to corrupt their sons or prostitute their daughters; (8) husband’s proposal to prostitute the wife; (9) separation for more than two years; (10) incurable insanity for more than seven years, proven by two medical experts.
- **MILITARY SPECIFIC:** Members of the armed forces may establish domicile according to his place of duty rather than his domicile when he joined the armed forces.
- **SEPARATION AGREEMENTS:** A separation agreement may be merged with the divorce decree according to the will of the parties or the discretion of the court. Such an agreement is specifically a factor considered in the award of alimony.
- **PROPERTY DIVISION:** Case law states that each spouse has a right to one-half the net profits obtained during the marriage. The court may utilize equitable distribution according to its discretion.
- **TIME:** If the grounds are either “cruel treatment or grave injury” or “abandonment” and there are minor children involved, the court must subpoena the parties and a trial must be held within ten days following the summons.
- **SPOUSAL SUPPORT:** Where one spouse lacks sufficient means for subsistence, the Court may award alimony at its discretion. Factors it considers includes: (1) previous agreements reached; (2) age and health; (3) professional qualifications and likelihood of access to employment; (4) past and future commitment to the family; (5) participation with regard to work in the commercial, industrial, or professional activities of the other spouse; (6) duration of marriage and marital cohabitation; (7) financial wealth and means and the needs of each spouse; (8) any other factor deemed appropriate.
- **CUSTODY:** Court determines custody according to the best interest and welfare of the child.
- **CHILD SUPPORT:** Child support divided between the parents in amounts proportional to their respective assets.

Rhode Island

- **RESIDENCY:** Either party must be domiciled and reside in Rhode Island for one year before filing the complaint.
- **TYPES:** “Divorce from bed and board” (and future cohabitation) is granted on the same grounds as divorce from bond of marriage or on other grounds. Petitioner must be domiciled and reside in Rhode Island for an amount of time at the court’s discretion.
- **FILING:** Either party may file if one is domiciled and has resided in Rhode Island for one year.
- **GROUND:** Fault based grounds: (1) impotency; (2) adultery; (3) extreme cruelty; (4) willful desertion for five years of either party or for less time at the court’s discretion; (5) continued drunkenness; (6) habitual, excessive, and intemperate use of opium, morphine, or chloral; (7) neglect and refusal for at least one year by the husband to provide necessities for the subsistence of his wife while he is able to do so; (8) any other gross misbehavior and wickedness. No fault based grounds (1) irreconcilable differences.
- **MILITARY SPECIFIC:** Residence and domicile of military personnel in active service remains the same for the duration of his service and for thirty days after.
- **SEPARATION AGREEMENTS:** If, during the trial of a petition, the spouses have been separated for more than three years, the court may make a separation agreement that includes alimony.
- **PROPERTY DIVISION:** Equitable distribution. Factors include: (1) length of marriage; (2) marital conduct; (3) contributions during the marriage in the acquisition, preservation, or appreciation in value of the respective estates; (4) contribution and services as a homemaker; (5) health and age; (6) amount and sources of income; (7) occupation and employability of each; (8) opportunity of each for future acquisition of capital assets and income; (9) contribution by one party to the education, training, licensure, business, or increased earning power of the other; (10) need of the custodial parent to occupy or own the marital residence and to use or own its household effects taking into account the child’s best interest; (11) wasteful dissipation of assets or any transfer or encumbrance of assets made in contemplation of divorce without fair consideration
- **TIME:** If the court enters a judgment is entered on the basis of the spouses’ separation of at least three years, the final judgment cannot be entered until twenty days after the entry of judgment.
- **SPOUSAL SUPPORT:** determined by court’s discretion. Factors include: (1) marriage length; (2) conduct of the parties during marriage; (3) health, age, station, occupation, amount and source of income, vocational skills, and employability of the parties; (4) state and liabilities and needs of each party. The court also considers (1) limitations the child places on the custodial parent; (2) lapse in time since previous employment; (3) time and expense needed for retraining; (4) probability of becoming self-supporting; (5) standard of living during marriage; (6) ability to pay of the supporting spouse. Spousal support should be for a short and definite time, allowing the supported spouse to become self-supporting.
- **CUSTODY:** Determined by the best interests of the child. The fact that a parent receives public assistance is not a factor. Case law indicates that the court is more inclined to award the mother custody of a minor girl despite fault on the part of the mother and any superior right of the father.
- **CHILD SUPPORT:** Calculated according to the court’s discretion. Factors include: (1) child’s financial resources; (2) custodial parent’s financial resources; (3) standard of living the child would have enjoyed had the marriage not been dissolved; (4) child’s physical and emotional condition and his or her educational needs; and (5) non-custodial parent’s financial resources and needs.

www.alllaw.com/calculators/Childsupport/Rhode_Island/

South Carolina

- **RESIDENCY:** Either plaintiff or defendant must have resided in South Carolina for at least one year; or if both are residents, the plaintiff only needs to have resided there for three months.
- **TYPES:** (1) divorce from bonds of matrimony; (2) separate support and maintenance.
- **FILING:** Either party can file.
- **GROUND:** Fault based grounds: (1) adultery; (2) desertion for one year; (3) physical cruelty; (4) habitual drunkenness, including narcotics. No fault based grounds: (1) separation of one year.
- **MILITARY SPECIFIC:** Residency includes being stationed in South Carolina on active duty military service regardless of intent to permanently remain there.
- **SEPARATION AGREEMENT:** Separation agreement terms may be merged with a divorce decree.
- **PROPERTY DIVISION:** Equitable distribution. Factors considered include: (1) length of marriage; (2) age of spouses; (3) marital fault or misconduct; (4) current value of the property; (5) contribution each spouse made to the acquisition of the property; (6) income of each spouse; (7) earning potential of each spouse; (8) health of each spouse; (9) need of each spouse; (10) separate property of each spouse; (11) retirement benefits of each spouse; (12) tax consequences; (13) expenses and debts of each spouse; (14) custody arrangement if children are involved.
- **SPOUSAL SUPPORT:** Considered on a case-by-case basis. Factors include: (1) duration of the marriage, and the ages of the parties at the time of marriage and of divorce; (2) physical and emotional condition of each spouse; (3) education of each spouse, and need for additional training or education to achieve full income potential; (4) employment history and earning potential; (5) standard of living during marriage; (6) current and reasonably anticipated earnings; (6) current and reasonably anticipated expenses and needs; (8) marital and nonmarital properties of the parties; (9) custody of children; (10) marital misconduct of either or both parties; (11) tax consequences; (12) existence and extent of any support obligation from a prior marriage or another reason.
- **CUSTODY:** Determined according to the best interests of the child; the court considers the reasonable preference of the child. The court weighs the preference based on the child's age, experience, maturity, judgment, and ability to express a preference. The court also considers evidence of domestic violence, the current situation and nature of the divorce, and the religious faith of the parents; it does not award custody based on the gender of the parent.
- **CHILD SUPPORT:** Factors include: (1) educational expenses for the children or spouse; (2) property distribution; (3) consumer debts; (4) families with more than six children; (5) unreimbursed extraordinary medical or dental expenses for either parent; (6) mandatory deduction of retirement pensions and union fees; (7) support obligations for other dependents; (8) child-related unreimbursed extraordinary medical expenses; (9) monthly fixed payments imposed by a court or operation of law; (10) significant available income of the child; (11) substantial disparity of income in which the noncustodial parent's income is significantly less than the custodial parent's income; (12) alimony; (13) agreements reached between parties.

<http://www.state.sc.us/dss/csed/calculator.htm>

South Dakota

- **RESIDENCY:** Plaintiff must be a resident of South Dakota at the commencement of the action and that residence must be maintained until the divorce decree is entered.
- **TYPES:** (1) divorce from bonds of matrimony; (2) separate maintenance (an action with the same grounds as divorce and where the court can award temporary alimony, suit money, and permanent support for a spouse and the children).
- **FILING:** Only a spouse who has been a resident of South Dakota may file.
- **GROUND:** (1) adultery; (2) extreme cruelty, defined as infliction of grievous bodily injury or mental suffering; (3) willful desertion for one year; (4) willful neglect for one year; (5) habitual intemperance for one year, defined as intemperance from the use of intoxicating drinks that prevents a person from properly attending to business; (6) conviction of felony; (7) irreconcilable differences; (8) mental illness for at least five years (divorce granted at the court's discretion).
- **MILITARY SPECIFIC:** Members of the armed services are deemed residents while stationed there. Veteran's benefits and military pay allowances are considered for child support payments.
- **SEPARATION AGREEMENTS:** Separation agreements may be incorporated into a divorce decree at the court's discretion.
- **PROPERTY DIVISION:** Equitable distribution. Fault is not considered except when it may be relevant to the acquisition of marital property. Factors considered include: (1) contribution of each spouse in the acquisition of marital property; (2) value of each spouse's separate property; (3) length of the marriage; (4) age and health of each spouse; (5) current and future earning capacity of each spouse; (5) value of the property being distributed and the income potential of that property.
- **TIME:** A divorce must be denied when there is an unreasonable lapse of time before the commencement of the action. An action will not be heard, tried, or determined by the court until at least sixty days after the service of the plaintiff's summons and complaint. If reconciliation is a possibility, the court may extend the proceedings thirty days.
- **SPOUSAL SUPPORT:** Factors considered include: (1) length of the marriage; (2) financial repercussions of each spouse; (3) financial resources of each spouse; (4) age of the spouses; (5) health condition of the spouses; and (6) marital fault that caused the divorce, if any.
- **CUSTODY:** Determined by the child's best interest. Marital misconduct only relevant if it relates to the child's well being. The court considers the expressed desires of the parents and the child's wishes depending on age and maturity. It does not discriminate based on the parent's gender.
- **CHILD SUPPORT:** Determined by state guidelines, which are based on the parents' incomes. Income defined as: (1) employee compensation (includes salary, wages, commissions, bonus); (2) self-employment income (including gain, profit, loss); (3) periodic payments from pensions or retirement programs; (4) Interest, dividends, rentals, royalties, or other gains from investments; (5) capital assets; (6) unemployment insurance benefits; (7) worker's compensation benefits; and (8) benefits in lieu of compensation. <http://dss.sd.gov/childsupport/services/obligationcalculator.asp>

Tennessee

- **RESIDENCY:** Residency is satisfied where the act(s) that serve the basis for the grounds of the divorce occurred while the plaintiff was a resident of Tennessee or if either the plaintiff or defendant has resided in Tennessee for six months.
- **TYPES:** (1) divorce from the bonds of matrimony; (2) legal separation; (3) absolute divorce, where there was a separate agreement for more than two years and the parties have not reconciled (may be less than two years at the court's discretion).
- **FILING:** Either may file as long as the residency requirements are satisfied.
- **GROUND:** (1) natural impotence; (2) bigamy; (3) adultery; (4) willful or malicious desertion without reasonable cause for one year; (5) conviction of a crime that renders the party "infamous;" (6) conviction of a felony and sentenced to confinement in the penitentiary; (7) malicious attempt on another's life; (8) refusal to move with the spouse to Tennessee without reasonable cause and being willfully absent for two years; (9) wife being pregnant at the time of marriage by another person without the knowledge of the husband; (10) habitual drunkenness or abuse of narcotic drugs where the habit began after the marriage; (11) cruel and inhuman treatment or conduct so that cohabitation is unsafe and improper; (12) one has offered such "indignities" rendering the spouses' position intolerable; (13) abandonment, neglect, or banning the spouse from the home; (14) irreconcilable differences; (15) living separately for more than 2 years and without minor children.
- **MILITARY SPECIFIC:** Any member of the armed services or spouse who has lived in Tennessee for one year or more is presumed to be a resident; this presumption of residence is only overcome by clear evidence of a domicile elsewhere.
- **SEPARATION AGREEMENTS:** Separation agreements may be incorporated in the divorce decree.
- **PROPERTY DIVISION:** Equitable distribution. The court will distinguish marital property from separate property. Separate property includes property (1) acquired prior to marriage; (2) by gift or inheritance; (3) in exchange for any separate property; (4) obtained from income or appreciation of separate property if the other spouse did not contribute to the preservation and appreciation. Marital property includes: (1) any property acquired during the marriage; (2) any increase in value of any property to which the spouses contributed to the upkeep and appreciation; and (3) any retirement benefits. When dividing marital property, the court considers: (1) contribution of each spouse to the acquisition, preservation, appreciation, or dissipation of the marital property (including contributions of homemaker); (2) value of each spouse's property at the time of marriage and at present; (3) economic circumstances of each at the time of divorce; (4) length of marriage; (5) age and health; (6) vocational skills; (7) liabilities and needs of each spouse and the opportunity for more assets and income; (8) tax consequences; (9) present and potential earning capabilities; (10) tangible and intangible contributions to education, training, or increased earning power of the other spouse; (11) relative ability of each to acquire more income and assets; (12) employability and earning capacity; (13) social security benefits.
- **TIME:** A complaint or petition must be filed for sixty days before being heard if the parties have no unmarried children under eighteen and must be on file at least ninety days before being heard if they have an unmarried child under eighteen.
- **SPOUSAL SUPPORT:** Awarded on temporary or permanent bases. Factors considered include: (1) value of any separate property and the value of the spouse's share of any marital property; (2) whether the spouse seeking alimony is the custodian of the child; (3) need for sufficient education and training to enable the spouse to find appropriate employment; (4) standard of living during the marriage; (5) duration of the

marriage; (6) comparative financial resources of the spouses; (7) needs and obligations of each spouse; (8) tangible and intangible contributions of each to the marriage; (9) relative education and training of the spouses and the opportunity of each to secure education and training; (10) age; (11) physical and mental condition; (12) tax consequences; (13) usual occupation during the marriage; (14) vocational skills and employability of the spouse seeking alimony; (15) conduct of the spouses during the marriage.

- **CUSTODY:** determined according to the best interest of the child.
- **CHILD SUPPORT:** Factors considered include: (1) love, affection, and emotional ties between the parents and child; (2) importance of continuity and length of time the child has lived in a stable and satisfactory environment; (3) where there has been domestic violence or physical or mental abuse; (4) stability of the family unit; (5) mental and physical health of the parents; (6) home, school, and community record of the child; (7) reasonable preference of the over twelve years; (9) each parent's past and potential performance of parenting duties. <http://www.state.tn.us/humanserv/is/isdownloads.html>

Texas

- **RESIDENCY:** At the time of filing, one party must be a domiciliary of Texas for the preceding six-month period; and a resident of the county in which the suit is filed for the preceding 90-day period. **Those serving in the Armed Forces outside of Texas on orders but considering Texas their permanent home of residence meet the residency requirement pursuant to Texas Family Code Sec. 6.303!
- **FILING:** either party may file
- **GROUND:** No fault based grounds: insupportability. Fault based grounds: 1) cruelty; 2) adultery; 3) conviction of a felony; 4) abandonment; 5) living apart for at least 3 years; and 6) confinement in a mental hospital.
- **SEPARATION AGREEMENTS:** Can be binding on the courts and incorporated into the divorce decree if "just and right"
- **PROPERTY DIVISION:** Equitable distribution.
- **SPOUSAL MAINTENANCE:** The court may order maintenance if: 1) the spouse from whom maintenance is requested was convicted of or received deferred adjudication for a criminal offense that also constitutes an act of family violence under Title 4 and the offense occurred within two years before the date on which a suit for dissolution of the marriage is filed or while the suit is pending; OR 2) the duration of the marriage was 10 years or longer, the spouse seeking maintenance lacks sufficient property, including property distributed to the spouse under this code, to provide for the spouse's minimum reasonable needs, as limited by Section 8.054, and the spouse seeking maintenance is unable to support himself or herself through appropriate employment because of an incapacitating physical or mental disability, is the custodian of a child of the marriage of any age who requires substantial care and personal supervision because a physical or mental disability makes it necessary, taking into consideration the needs of the child, that the spouse not be employed outside the home; OR clearly lacks earning ability in the labor market adequate to provide support for the spouse's minimum reasonable needs, as limited by Section 8.054.
- **CUSTODY:** In Texas, there is a rebuttable presumption that parents should serve as the Joint Managing Conservators of their children. In Texas, "Conservatorship" is "Custody" of the children, and the entire regime about the child(ren) is now called a "Parenting Plan." The best interest of the child shall always be the primary consideration of the court in determining the issues of conservatorship and possession of and access to the child.
- **CHILD SUPPORT:** Generally, the Texas Family Code contains guidelines for the computation of child support. Keep in mind there are various exceptions. The guidelines are specifically designed to apply to situations in which the obligor's monthly net resources are \$7,500.00 or less. In such cases, the court presumptively applies the following schedule: 1 child = 20% of obligor's net resources, 2 children = 25 %, 3 children = 30%, 4 children = 35%, 5 children = 40%, 6 or more children = 40 or more %. If the Obligor has children from another relationship(s), the percentages listed above may be reduced.

Utah

- RESIDENCY: At least one party must be a resident of Utah.
- TYPES: “Separate maintenance” is where a Utah resident deserts or willfully neglects a spouse, a court may grant an order for payment of alimony
- FILING: Either party can file.
- GROUNDS: No fault based grounds: (1) irreconcilable differences; (2) separate living under a decree of separate maintenance of any state for three years. Fault based grounds: (1) impotency; (2) adultery; (3) willful desertion for more than one year; (4) willful neglect, failure to provide for the common necessities of life; (5) habitual drunkenness; (6) conviction of a felony; (7) cruel treatment to the extent of causing bodily injury or great mental distress; (8) incurable insanity, as determined by appropriate authorities and the court.
- MILITARY SPECIFIC: If members of the armed forces are not legal residents of Utah, the filing party must be stationed in Utah for three months before the commencement of the action.
- SEPARATION AGREEMENTS: A separation agreement may be merged into a divorce decree.
- PROPERTY DIVISION: Equitable distribution.
- SPOUSAL SUPPORT: Factors considered include: (1) financial condition and needs of the recipient spouse; (2) recipient’s earning capacity or ability to produce income; (3) ability of the payor spouse to provide support; (4) length of the marriage; (5) whether the recipient spouse has custody of minor children requiring support; (6) whether the recipient spouse worked in a business owned or operated by the payor spouse; (7) whether the recipient spouse directly contributed to any increase in the payor spouse’s skill by paying for education received by the payor spouse or allowing the payor spouse to attend school during the marriage
- CUSTODY: Custody determined according to the best interest of the child. Factors considered include: (1) potential benefit from joint legal or physical custody; (2) ability of the parents to give first priority to the welfare of the child and reach shared decisions in the child’s best interest; (3) capability of each parent to encourage and accept a positive relationship between the child and other parent; (4) both parents’ participation in raising the child before the divorce; (5) geographical proximity of the parents’ homes; (6) preference of the child if the child is of sufficient age and capacity (usually 16) to form a preference; (7) parents’ past and present ability to cooperate and make decisions jointly; (8) any history of or potential for child or spouse abuse or kidnapping.
- CHILD SUPPORT: Factors considered include: (1) standard of living and situation of the parties; (2) relative wealth and income of the parties; (3) ability of the obligor to earn; (4) ability of an incapacitated adult child to earn, or other benefits received; (5) needs of the obligee, obligor, and the child; (6) ages of the parties; (7) responsibilities of the obligor and obligee for the support of others.
<http://www.utcourts.gov/childsupport/calculator>

Vermont

- **RESIDENCY:** One party must reside in Vermont for six months before the commencement of the action, and one party must reside within Vermont for one year before a divorce is granted. Temporary absence from the state due to illness, employment, service in the armed forces, or other legitimate causes, does not affect the six month or one year periods.
- **FILING:** Either may file as long as one has been a resident for more than six months when the action is filed. Divorce may be filed in the county which either spouse or both reside.
- **GROUND:** No fault based grounds: (1) when the parties have lived apart for six consecutive months. Fault based grounds: (1) adultery; (2) when a party has a sentence for three or more years and is actually confined at the time of the commencement of the action; (3) intolerable severity; (4) willful desertion or when a party has been absent and not heard from for seven years; (5) willful neglect; (6) incurable insanity.
- **MILITARY SPECIFIC:** Temporary absence from Vermont for service in the armed forces does not negatively affect the six month and one year requirements related to residency.
- **SEPARATION AGREEMENTS:** Separation agreement terms may be merged with a divorce decree.
- **PROPERTY DIVISION:** Equitable distribution. Factors considered include: (1) marriage length; (2) age and health; (3) occupation, source, and amount of income; (4) vocational skills and employability; (5) contribution by one spouse to the education, training, or increased earning power of the other; (6) value of all property interests, liabilities, and needs; (7) whether the property settlement is in lieu of or in addition to maintenance; (8) opportunity of each for future acquisition of capital assets and income; (9) desirability of awarding the family home or the right to live there for reasonable periods to the custodial spouse; (10) party through whom the property was acquired; (11) contribution of each spouse to the acquisition, preservation, and depreciation, or appreciation in value of the respective estates; (12) respective merits of the parties.
- **TIME:** A divorce becomes absolute three months after its entry unless the court fixes an earlier date. If either party dies before the date, the decree is deemed absolute immediately prior to death.
- **SPOUSAL SUPPORT:** Factors considered included: (1) financial resources of the party seeking maintenance, the property apportioned to the party, the party's ability to meet his or her needs independently; (2) time and expense necessary to acquire sufficient education or training for appropriate employment; (3) standard of living established during the marriage; (4) duration of the marriage; (5) age and physical and emotional condition; (6) ability of the supporting spouse to meet his or her reasonable needs while meeting those of the supported spouse; (7) inflation with relation to cost of living.
- **CUSTODY:** Determined by the best interests of the child. Factors considered include: (1) relationship of the child with each parent and the ability and disposition of each parent to provide the child with love, affection, and guidance; (2) ability and disposition of each parent to assure that the child receives adequate food, clothing, medical care, other material needs, and a safe environment; (3) ability and disposition of each parent to meet the child's present and future developmental needs; (4) quality of the child's adjustment to the child's present housing, school, and community and the potential effect of a change; (5) ability and disposition of each parent to foster a positive relationship and frequent and continuing contact with the other parent; (6) quality of the child's relationship with the primary care provider; (7) relationship of the child with any other person who may significantly affect the child; (8) ability and disposition of the parents to cooperate and make joint decisions concerning the child; (9) evidence of abuse.
- **CHILD SUPPORT:** Except in situations where there is shared or split physical custody, total child obligation shall be divided between the parents in proportion to their respective available incomes and the

noncustodial parent shall be ordered to pay his or her share of total support obligation to the custodial parent. Factors considered include: (1) financial resources of the child; (2) financial resources of the custodial parent; (3) standard of living the child would have enjoyed had the marriage continued; (4) physical and emotional condition of the child; (5) educational needs of the child; (6) financial resources and needs of noncustodial parent; (7) inflation; (8) costs of meeting the educational needs of either parent, if the costs are incurred for the purpose of increasing the earning capacity of the parent; (9) extraordinary travel or other related expenses incurred in exercising the right to parent-child contact.

Virginia

- **RESIDENCY:** At least one party must be a resident and domiciliary of Virginia for at least six months before filing.
- **TYPES:** “Bed and board” divorce (same grounds as divorce from bonds of matrimony)
- **FILING:** Either party may file.
- **GROUND:** (1) adultery, or sodomy or buggery committed outside the marriage, unless parties cohabitated after knowledge of the act(s) or it occurred more than five years before the suit’s commencement; (2) conviction of a felony with confinement of more than one year; (3) cruelty, reasonable apprehension of bodily hurt, or willful desertion or abandonment of one year; (4) living separate for one year, or, with no minor children, for six months.
- **MILITARY SPECIFIC:** Where a member of the armed forces has been stationed or resided in Virginia for six months, he or she is deemed a Virginia resident and domiciliary. Where a member of the armed forces is stationed in any territory or foreign country and is domiciled in Virginia for six months before his being stationed elsewhere is considered a Virginia resident and domiciliary for the six months preceding the suit. Case law indicates a military wife, who after establishing domicile and residence in Virginia followed her husband to another station, remained a Virginia resident and domiciliary upon filing for divorce. A member of the armed forces may request that the divorce petition be expedited in light of a call to active duty.
- **SEPARATION AGREEMENTS:** Divorce decrees supersede any separation agreement unless the agreement terms are expressly acknowledged and incorporated into the decree. A court may integrate the terms of an agreement at its discretion.
- **PROPERTY DIVISION:** Equitable distribution. Factors considered include: (1) monetary and nonmonetary contributions to the family’s well-being; (2) monetary and nonmonetary contributions in the acquisition, care, and maintenance of marital property; (3) duration of the marriage; (4) ages and physical and mental condition; (5) factors that contributed to the dissolution of the marriage, specifically including grounds for divorce; (6) how and when specific items of marital property were acquired; (7) debts and liabilities, the basis for debts and liabilities, and the property which may serve as security for debts and liabilities; (8) liquid or nonliquid character of marital property; (9) tax consequences; (10) use or expenditure of marital property by either party for a separate purpose.
- **SPOUSAL SUPPORT:** Factors considered in determining the nature, amount, and duration of an award include: (1) obligations, needs, and financial resources, including income from all pension, profit sharing or retirement plans; (2) standard of living established during the marriage; (3) duration of the marriage; (4) age and physical and mental condition, and any special circumstances of the family; (5) extent to which the age, physical or mental condition or special circumstances of a child would affect a spouse seeking employment; (6) monetary and nonmonetary contributions to the well-being of the family; (7) real and personal, tangible and intangible property interests; (8) provisions made with regard to the marital property; (9) earning capacity, including the skills, education, and training and the present employment opportunities; (10) opportunity for, ability of, and the time and costs involved for a party to acquire the appropriate education, training, and employment to obtain the skills needed to enhance his or her earning ability; (11) decisions regarding employment, career, economics, education, and parenting arrangements made by the parties during the marriage; (12) extent to which either party has contributed to the attainment of education, training, career position or profession of the other.

- **CUSTODY:** Determined by the best interests of the child. The court does not consider specific factors, but case law suggests typical factors: (1) child's age; (2) child's health; (3) child's wishes; (4) parental roles; (5) child's needs.
- **CHILD SUPPORT:** Factors considered include: (1) monetary support of other family members or former family members; (2) child's best interests; (3) imputed income to a party who is voluntarily unemployed or under-employed; (4) debts arising during the marriage for child's benefit; (5) debts incurred for production of income; (6) direct court-ordered payments for health care coverage, life insurance, or other court-ordered payments for the benefit of child; (7) extraordinary capital gains such as those resulting from sale of marital abode; (8) child's age, physical and mental condition; (9) child's independent financial resources; (10) standard of living for the family during the marriage; (11) earning capacity obligations and needs and each parent's financial resources; (12) education and training, and the ability and opportunity to secure education and training; (12) parties' education and training; (13) monetary and nonmonetary contributions of each party to the family's well-being. http://www.dss.virginia.gov/family/dcse_calc.cgi

Washington

- **RESIDENCY:** Residency requirements are satisfied where a party is (1) a resident of Washington; (2) a member of the armed forces and is stationed in Washington; or (3) married to a party who is a resident of Washington or who is a member of the armed forces and is stationed in Washington.
- **FILING:** Either party may file.
- **GROUND:** Irretrievable breakdown; if the other party denies an irretrievable breakdown, the court will consider the circumstances and determine the prospects for reconciliation.
- **SEPARATION AGREEMENTS:** the agreement will become binding as part of the divorce decree, except for those terms related to the child, unless the court decides that the separation agreement was unfair at the time of its execution after considering the economic circumstances of the parties and any other relevant evidence. If the parties mutually agree to terminate the separate agreement in lieu of new terms for the divorce decree, they may do so.
- **PROPERTY DIVISION:** A “community property” state: all property acquired during the marriage is community property and is divided equally (50-50) if the parties cannot come to an agreement. The court, however, will consider certain factors in an initial evaluation, including: (1) nature and extent of the community property; (2) nature and extent of the separate property; (3) duration of the marriage; (4) economic circumstances of each spouse. Fault in the divorce is not considered.
- **TIME:** The court will not act on petitions for divorce until ninety days after the filing and the service of summons to the other party.
- **SPOUSAL SUPPORT:** Factors considered include: (1) financial resources of the supported spouse, including separate or community property apportioned to him and his ability to meet his needs independently; (b) time necessary to acquire sufficient education or training to find employment appropriate to his skill, interests, lifestyle; (c) standard of living established during the marriage; (d) duration of the marriage; (e) age, physical and emotional condition and financial obligations of the spouse seeking maintenance; (f) ability of the supporting spouse to meet his needs and financial obligations while meets those of the other spouse. The court does not consider marital misconduct.
- **CUSTODY:** Determined by the best interests of the child; fault in the divorce is not considered. The parties must submit a proposed parenting plan to be approved by the court. If the parties fail to do so, the court will determine the custody rights according to (1) relative strength, nature, and stability of the child’s relationship with each parent (this factor is given the greatest weight); (2) agreements of the parties; (3) parents’ past and potential for future performance of parenting functions; (4) child’s emotional needs and developmental level; (5) child’s relationship with siblings and other significant adults, and child’s involvement with his physical surroundings; (6) parents’ and child’s wishes; (7) parents’ employment schedules
- **CHILD SUPPORT:** The court will follow the state’s standard calculation in determining amount, duration, and regularity of child support. Deviations from this standard calculation (i.e., other factors considered) include: (1) sources of income and tax planning, (2) nonrecurring income; (c) debt and high expenses; (d) residential schedule; (e) children from other relationships
<https://fortress.wa.gov/dshs/csips/ssgen>

Washington, DC:

http://www.dcbar.org/for_the_public/legal_information/family/family_court_forms/index.cfm

- **RESIDENCY:** At least one party must be a resident of the District of Columbia for at least six months prior to the filing for divorce.
- **TYPES:** legal separation from bed and board (based on same grounds as divorce)
- **FILING:** Either party may file.
- **GROUND:** (1) mutual voluntary separation without cohabitation for six months; (2) living separate and apart without cohabitation for one year. Case law indicates that “living separate and apart” may be accomplished under the same roof if the spouses do not share bed or food.
- **MILITARY SPECIFIC:** If a member of the armed forces resides in the District of Columbia for at least six months during active duty is deemed a resident for the purposes of a divorce petition.
- **SEPARATION AGREEMENTS:** Terms of a separation agreement may be merged with that of a divorce degree according to the court’s discretion.
- **PROPERTY DIVISION:** Equitable distribution. The court divides any property other than separate property according to: (1) each spouse’s contribution to the acquisition of marital property, including those of the homemaker; (2) marriage duration; (3) occupations; (4) vocational skills; (5) employability; (6) estate, liabilities, and needs, and the opportunity for further acquisition of capital assets and income; (7) separate property and debts; (8) prior marriages; (9) if the property award is instead of alimony; (10) custodial provisions for the children; (11) spouse’s age and health; (12) amount and sources of the parties’ income.
- **SPOUSAL SUPPORT:** Determined by court after considering the following factors: (1) ability of the party seeking support to be wholly or partly self-supporting; (2) time necessary for the party seeking alimony to gain sufficient education or training to enable that party to secure suitable employment; (3) standard of living established during marriage; (4) marriage duration; (5) circumstances that contributed to the estrangement of the parties; (6) age; (7) physical and mental condition of each party; (8) ability of the party from whom support is sought to meet his or her needs while meeting the needs of the other party; (9) financial needs and resources of each party
- **CUSTODY:** The child’s best interest is the primary consideration. Unless it indicates otherwise, the court will provide for continuing and frequent contact with each parent and for the sharing of child-rearing responsibilities. Factors considered include: (1) child’s wishes where practicable; (2) parents’ wishes; (3) interaction and interrelationship of the child with his or her parents, siblings, and other relevant people; (4) child’s adjustment to his or her home, school, and community; (5) mental and physical health of all involved; (6) evidence of an intrafamily offense; (7) parents’ capacity to cooperate; (8) parents’ willingness to share custody; (9) prior involvement of each parent in the child’s life; (10) potential disruption of the child’s social and school life; (11) geographic proximity of the parental homes; (12) demands of parental employment; (13) age and number of children; (14) sincerity of parents’ requests; (15) parents’ ability to financially support a joint custody arrangement; (16) impact on Temporary Assistance for Needy Families, or Program on Work, Employment, and Responsibilities, and medical assistance; (17) benefit to the parents
- **CHILD SUPPORT:** Amount calculated by state guidelines. If the court deems it inappropriate, it will recalculate considering certain factors: (1) exceptional needs of the child; (2) if the noncustodial parent’s income is less than the custodial parent’s income; (3) the property settlement; (4) if the noncustodial parent supports other dependents; (5) existence of substantial debt; (6) if the custodial parent provides medical

insurance coverage; (7) whether custodial parent receives child support for other children.
<http://csed.dc.gov/csed/site/default.asp>

West Virginia: <http://www.state.wv.us/wvsca/divorce/FC100.pdf>

- **RESIDENCY:** If the marriage occurred in West Virginia, one of the parties must be a resident of West Virginia; there are no time restraints regarding how long the party must be a resident before the petition is filed. If the marriage occurred outside the state, one of the parties must be a resident of West Virginia for one year before the petition is filed.
- **FILING:** Either party may file. For a petition for a divorce based on the ground of adultery, if the respondent (non-filing party) is not a resident of West Virginia and cannot be personally served in the state, the petitioner must have been a resident of the state for one year before filing.
- **GROUND:** (1) Irreconcilable differences; (2) voluntary separation, after living separate and apart without cohabitation for one year due to the voluntary act of one party or mutual consent; (3) Cruel or inhuman treatment, including reasonable apprehension of bodily harm, false accusation of adultery or homosexuality, or conduct that destroys mental or physical well-being, happiness, or welfare of the party, rendering cohabitation unsafe; (4) adultery; (5) conviction of a felony; (6) permanent and incurable insanity where the party has been confined to a mental hospital for at least three years; (7) habitual drunkenness subsequent to the marriage, including narcotics; (8) willful abandonment for six months; (9) physical or mental abuse or neglect of a child
- **SEPARATION AGREEMENTS:** Terms of a separation agreement will be included in the divorce decree at the discretion of the court.
- **PROPERTY DIVISION:** Equitable distribution. The court considers: (1) parties' contributions to the acquisition, preservation, and maintenance, or increase in value of marital property by monetary and nonmonetary contributions; (2) parties' conduct during the marriage that limited or decreased his or her income-earning ability or increased that of the other party; (3) parties' conduct during marriage that depreciated the value of marital property. Marital misconduct not considered.
- **SPOUSAL SUPPORT:** Without a valid agreement, the court considers: (1) duration of marriage; (2) length of cohabitation; (3) present employment income and other earnings; (4) income earning abilities of each, based on education, training, skills, experience, and length of absence from job market; (5) distribution of marital property; (6) age and physical, mental, and emotional condition of each party; (7) education; (8) whether either party has foregone or delayed economic, education, or employment opportunities during marriage; (9) standard of living during marriage; (10) likelihood the party seeking support can increase income-earning ability within a reasonable time; (11) any financial and other contribution made by either party to the education, training, vocational skills, or earning capacity of the other party; (12) anticipated expense of obtaining education and training; (13) costs of educating minor children; (14) costs of health care; (15) tax consequences; (16) extent to which it would be inappropriate for the custodial parent to seek employment; (17) financial needs; (18) legal obligations to other dependents; (19) any physical or mental disabilities
- **CUSTODY:** Determined by best interests of the child, and (1) stability of the child; (2) parental planning; (3) continuity of existing parent-child attachments; (4) meaningful contact between child and each parent; (5) caretaking relationships by adults; (6) security from exposure to physical or emotional harm; (7) avoidance of uncertainty of arrangement for child's care and control.

- **CHILD SUPPORT:** Determined by state guidelines, from which the court may deviate if deemed inappropriate. Factors considered: (1) special needs of the child; (2) educational expenses; (3) families with more than six children; (4) long distance visitation costs; (5) child resides with third party; (6) needs of another dependent children; (7) extent to which obligor's income depends on nonguaranteed income; (8) whether total support reduces obligor's income to less than federal poverty level. http://www.alllaw.com/calculators/Childsupport/west_virginia/

Wisconsin: https://prosefamily.wicourts.gov/pages/interview/start?which=basic_guide

- **RESIDENCY:** If the marriage occurred in the state, one party must be a resident of Wisconsin for at least 30 days before commencement of the action; if the marriage occurred outside of the state, one party must be a resident of Wisconsin for one year before commencement of the action.
- **FILING:** Either party may file.
- **GROUND:** Irretrievable breakdown, which requires either that both parties agree that the marriage is irretrievably broken or that they have voluntarily lived apart for one year.
- **SEPARATION AGREEMENTS:** Terms will be merged with those of the divorce decree as the court deems them equitable.
- **PROPERTY DIVISION:** “Community property,” meaning the court divides all marital property equally (50-50) if the parties cannot agree. The court may alter this distribution, considering: (1) duration of marriage; (2) property brought to the marriage by each party; (3) existence of assets that the court cannot divide; (4) contributions to marriage, including homemaking contributions; (5) age and physical and emotional health; (6) contribution to education, training, or increased earning power of the other party; (7) earning capacity of each; (8) desirability of awarding the family home to a party; (9) amount and duration of an other granting maintenance payments to either party; (10) other economic circumstances of each party; (11) any valid written agreement
- **TIME:** An action for divorce cannot be brought to final hearing or trial until 120 days after service of summons and petition to the respondent or 120 days after the filing of a joint petition. A court order may waive this 120 day waiting period for emergency reasons.
- **SPOUSAL SUPPORT:** Factors considered: (1) length of marriage; (2) age and physical and emotional health; (3) division of property; (4) education; (5) earning capacity; (6) feasibility that the supported party can become self-supporting; (7) tax consequences; (8) previous agreements; (9) contribution of one party to the education, training, or increased earning power of the other
- **CUSTODY:** determined by the best interest of the child. Factors considered: (1) parents’ wishes; (2) child’s wishes; (3) interaction between child and parents, siblings, and other relevant people; (4) amount and quality of time each parent has spent with the child in the past; (5) child’s adjustment to the home, school, religion, and community; (6) age of the child and relative developmental needs; (7) mental or physical health of a relevant party; (8) stability of the child; (9) availability of child care services; (10) cooperation and communication between parties; (11) degree of supportiveness of each parent; (12) evidence of abuse; (13) evidence of interspousal battery; (14) evidence of alcohol or drug abuse
- **CHILD SUPPORT:** Determined by state guidelines. Factors considered: (1) child’s financial resources; (2) parents’ financial resources; (3) maintenance received by either party; (4) needs of each party; (5) needs of other relevant dependents; (6) standard of living for the child established during marriage; (7) desirability that the custodian stay at home; (8) cost of day care; (9) travel expenses; (10) physical, mental, and emotional health needs of the child; (11) child’s educational needs; (12) tax consequences; (13) best interests of the child; (14) parents’ earning capacities.
<http://dcf.wisconsin.gov/bcs/orders.htm>

Wyoming: <http://courts.state.wy.us/DandCS.aspx>

- **RESIDENCY:** Plaintiff must have been a resident of Wyoming for sixty days before filing; or if the marriage occurred in Wyoming, the plaintiff has been a resident from the marriage date until the time of filing.
- **FILING:** Only a resident of Wyoming may file.
- **GROUND:** (1) Irreconcilable differences; (2) incurable insanity, where the party has been in a mental hospital for at least two years
- **SEPARATION AGREEMENTS:** Terms of a separation agreement may be included in a divorce decree according to the court's discretion.
- **PROPERTY DIVISION:** Equitable distribution. In determining what is equitable, the court considers: (1) the respective merits of the parties and the condition in which they will be left by the divorce; (2) the party through whom the property was acquired and the burdens imposed on the property for the benefit of either party and children.
- **SPOUSAL SUPPORT:** Alimony decided on a case-by-case basis, determined by the court's discretion.
- **CUSTODY:** Custody determined according to the best interests of the child. Factors considered include: (1) quality of the relationship each child has with each parent; (2) ability of each parent to provide adequate care for each child throughout each period of responsibility, including arranging for each child's care by others as needed; (3) relative competency and fitness of each parent; (4) each parent's willingness to accept all responsibilities of parenting, including a willingness to accept care for each child at specified times and relinquish care to the other parent; (5) the way the parents and child can best maintain and strengthen a relationship; (6) the way the parents and child interact and communicate; (7) ability and willingness of each parent to cooperate with the other parent, including the right to privacy; (8) geographic distance between the parents' residences; (9) current physical and mental ability of each parent to care for each child
- **CHILD SUPPORT:** Child support determined by state guidelines. The court may alter the amount after considering certain factors: (1) age of the child; (2) cost of necessary day care; (3) any special health care and educational needs of the child; (4) responsibility of either parent for the support of other children; (5) value of services contributed by either parent; (6) any expenses reasonably related to the pregnancy if the parents never married or divorced prior to the birth; (7) cost of transportation for visitation; (8) ability to furnish health, dental, and vision insurance through employment benefits; (9) amount of time the child spends with each parent; (10) other necessary expenses for the benefit of the child; (11) whether either parent is voluntarily unemployed or underemployed.